



THE HUMANE SOCIETY OF THE UNITED STATES

Passing a Tethering Ordinance in Your Community

Dogs (like people) are social animals, yet many dogs in the U.S. live their entire lives at the end of a chain. Constantly tied-up outside, dogs become lonely, bored, and anxious, and often suffer from lack of proper food and shelter as well. They can also develop aggressive behaviors. The good news is that as communities learn about the negative impact of chaining or tethering dogs, many have begun passing laws against long-term chaining. Local ordinances are a great tool for saving companion animal lives in your community. The HSUS wants to support you in this effort.

The HSUS Advocate Toolkit is a good place to start for anyone interested in strengthening animal laws. Visit [these resources](#) to become a better grassroots advocate, or [contact an HSUS state director](#) to find out how to work together with The HSUS in your state.

The HSUS resources on tethering are designed to arm citizens with resources to enact a local anti-chaining ordinance. Below you will find sample ordinances, quotes from experts, tips for garnering support and more. Thank you for all you do to prevent dogs in your community from suffering a sad, solitary life on a chain.

Why should we care? Understanding the issue

It is critical that you can speak to how the issue impacts all members of the community. You may want to start by researching how many calls animal control receives per year about chained dogs barking, running at large or lacking access to food, water, shelter. These statistics will paint a picture of how chaining affects your area, and will allow you to elaborate on the following key points:

- Anti-chaining ordinances are good for law enforcement.
 - They create clear boundaries and set expectations of pet owners.
- Anti-chaining ordinances are good for animals.
 - Dogs are social animals; constantly tied-up outside, dogs become lonely, bored and anxious, which can lead to increased aggression.
 - Chained dogs are often at risk from extreme weather conditions and can lack food/water/basic care.
 - Dogs can strangle themselves if tether gets tangled or caught.
- Anti-chaining ordinances are good for the community
 - Chained dogs are a public nuisance, notorious for barking.
 - Continuously chained dogs are so lonely and frustrated, their only outlet is to bark. Being chained 24/7, a dog does not receive adequate exercise and the lack of mobility is aggravating, so that pent up energy surfaces with barking.
 - The Centers for Disease Control found in a study that chained dogs are 2.8 times more likely to bite than non-chained dogs and that number increases to 5.4 times more likely with children under the age of 12. Chained dogs often become very defensive of their territory and protect their small area.

Who are your allies?

A diverse coalition of advocates will show your elected officials that a significant portion of the community supports your efforts. We strongly recommend a group approach to ensure that the viewpoints of all stakeholders are heard. Examples of people who you'll want involved in your project at some point (and who you may call upon to testify in support of your proposal) include:

- Law enforcement/animal control/animal services
 - Figure out who will be enforcing the law, and solicit their input and support. Spend some time with them, potentially through a ride-along or a lunch. Be sure to show support for what they do every day – officers in the field of animal services often have very trying jobs, so a little appreciation goes a long way.
- Shelters, rescue groups or other animal welfare organizations
- Veterinary professionals
- Fire departments
- The general public, parents, community associations concerned about public safety
- Social work associations and other people active in community safety issues
- Utility companies, realtors and other workers who often encounter dogs in yards
- Animal advocates in the community

What kind of ordinance is right?

There is no one-size-fits-all tethering ordinance. There is great variety between tethering ordinances across the country, so it is important that your proposed legislation is a good fit for your community. Working with the aforementioned allies will help navigate what is right for your community. Some options:

- **Outright Bans – No Unattended Tethering Allowed**
Total bans are straightforward, making enforcement easier and offering a clear incentive for outreach initiatives. But because this is such a stringent regulation, there's more likely to be strong opposition.
- **Time Restrictions or Limits**
Time limits can set a certain amount of consecutive hours or time within a 24-hour period, while time restrictions ban tethering during certain hours of the day. Enforcement can be tricky with time limits because enforcement officers rarely have blocks of time available to verify that a dog has been tied beyond a time limit. However, by forbidding chaining during certain hours of the day or night, violations of the ordinances are immediately clear. That said, if your language is comprehensive, including elements that are very specific and enforceable, it can be beneficial to include a time limit (without certain hours of the day or night) because often laws will change behavior.
- **Restrictions for Extreme Weather**
Some communities restrict tethering during extreme weather and/or natural disasters. These regulations apply to hot or cold weather and are usually crafted with specific temperatures and conditions, making enforcement straightforward (for example, tethering is prohibited when the temperature is below 32 degrees or above 85 degrees, or during any heat or wind chill advisory or watch or warning issued by the National Weather Service). Protecting dogs from extreme weather events can potentially be the most compelling argument for anti-chaining legislation and a good starting point for legislation.
- **Restrictions on Tethering Type, Length, Manner**
Tethering can be regulated based on the materials used, such as the tether itself, the objects the tether is attached to, the collar or harness attached to the dog, the length of the tether in relation to the dog's size and living space, etc. Our recommendations are listed in "Tethering Standards" below.
- **Standards of Care Regulations**

These are ordinances that provide minimum standards of care for all dogs. These ordinances may not get a dog off of a chain, but when enforced positively, they can improve the quality of life for dogs which is extremely important. Some examples:

- **Collar or Harness Types Used**

Dogs are typically attached to the tether by a collar or harness. Some communities forbid attaching dogs by a collar, but if collars are used, they should always be properly fitted and never the pinch, prong, or choke type.

- **Type of Tether**

A tether should not be too heavy; the maximum weight limit should be no more than 1/10 or 1/8 of the dog's body weight. The length of the tether should be at least 5 times the length of the dog (from tip of nose to base of tail) and never less than 10 feet. Additionally, all tethers should have swivels on both ends to prevent twisting and tangling.

- **Environment**

The area should be free of garbage or other debris that can harm the dog. Also, there should be no fences or other objects within the radius of the tether that a dog can get hung upon. Some communities require that the area is kept free of accumulated fecal matter. This may be tough to define, but it's certainly worth discussing.

- **Food and Water**

Most basic animal cruelty laws already require that dogs receive appropriate, nutritious food and clean water. With tethered dogs though, it's especially important to monitor these things. Some ordinances stipulate that food and water bowls are cleaned daily or that water must not be frozen.

- **Extreme Weather**

Forbidding dogs to be chained outside in conditions such as extreme temperatures (typically defined as below 40F and above 80F), hurricanes, tornadoes, and rain storms is a good step to protecting dogs. Utilizing National Weather Service advisories is also a clear guideline for requiring that dogs be inside.

- **Shelter and Enclosure Size**

All dogs who spend any period of unsupervised time outdoors must have some kind of shelter. They should also have an area of shade that is separate from the shelter and enough room in an enclosure for normal movements. Shelter definitions vary, but can range from anything with three sides and a roof to very complex descriptions. If you have the opportunity to provide a clear definition, see sample ordinances for ideas about how to ensure dogs outside are provided adequate protection from the elements.

Enforcement/Penalties

Ideally, tethering ordinances will have significant fines and increasing penalties for repeat offenses. However, while it is important to have appropriate penalties for tethering law violations, allowing a period of time before the law takes effect will help the community to adapt. It would be ideal to offer a public education period during which there are efforts made to inform the public about this change in the law and provide warnings instead of citations. Warnings will give enforcement agencies a chance to talk with owners and better understand what solutions are needed to unchain their dogs, and then give people a period of time to work towards compliance. Enforcement agents can play an important role in connecting owners to resources such as training and behavior information or programs that can help repair or build fences. The grace period should shorten as time goes on and the public is educated about the new ordinance. Penalties should always be designed with the goal of motivating owners to unchain their dogs, reserving punitive measures and removal of animals as a last resort in serious cases.

Requiring people to rethink how they house their dog can lead to a dramatic transition in attitudes, even with owners who have chained their dog since the dog was a puppy. After seeing the dog living happily inside a fence, they are often awed and moved to start bringing the dog inside during bad weather or at night, and eventually some dogs will start living indoors. Sometimes people behave in certain ways because they have never considered an alternative.

Now, Let's Pass an Ordinance!

1. **Know the issue**

Become an authority on the issue and have talking points ready. Understand how the issue affects your community, and highlight recent cases in your area.

2. **Learn the process**

The process for local legislation varies around the country, so take the time to get familiar with how things work in your community. An official or employee in your local government may be able to help you.

3. **Create your coalition**

Utilize the list of allies above to create a tethering coalition and be sure to keep in touch throughout the process.

4. **Find a friend in office**

Public officials tend to take constituents' interests seriously, so try talking to your own council member or alderman first. As much as we'd like the people we vote for to agree with us, this may not always work. If your own council member isn't interested, try to find another official with an interest in animal issues and pitch your idea. Often, your local animal control bureau or non-profit humane society can point you towards a sympathetic decision-maker.

Your sponsor, as well as other public officials, will want you to know the answers to the following questions:

- Why is this issue important? Defining the problem and history of tethering
- How will the proposed language solve the issue?
- Who supports the bill?
- Who opposes the bill?
- Does the bill have a fiscal impact?
- How have other states & cities dealt with the issue?

5. **Draft the ordinance**

You may already know what you want your ordinance to say, but it will have to be crafted into an appropriate legislative format. It may be best to have an attorney or someone with ordinance experience to help you write the draft. It can be helpful to find model language from other ordinances as a starting point for your county.

6. **Get community support**

Supporting a local ordinance means testifying at council meetings, contacting council members to express support for the ordinance, and informing others about the ordinance. Even in big cities, it can be common for very few people to get involved in local government (which means a small group of people are changing laws and policies), so getting active community support can make or break the legislation you are trying to pass.

Local officials read local papers! Schedule a meeting with the editor or editorial board of your local paper to ask them to support your proposal. Contact other media outlets, including television and radio, to let them know about your efforts. Write letters to the editor of your local paper, remembering to state your case concisely.

Prepare a fact sheet with key messages and be well researched with examples that you can provide members of the community and those in decision-making positions. Set-up appointments with government staff and distribute the fact sheet.

7. **Understand your opposition and compromise (if needed)**

Whether because of enforcement issues or strong opposition, sometimes you may have to compromise on your ordinance. Be prepared to compromise ahead of time. Know what parts of your ordinance are most important and which ones can be set aside, if needed. If possible, meet with members of your opposition to see what the concerns are and whether or not any of them can be mitigated. Sometimes, even a letter to the leadership of a local opposition group soon after the issue is introduced can go a long way. Conveying that the purpose of a tethering

ordinance is not to take away anyone's ability to own or breed dogs, rather is about community safety, can prevent arguments later on.

Some of the common arguments against tethering bills are:

- “We are a country founded on freedom and personal rights; don't tell me how to raise my dog.” Part of our social contract is to accept laws that are for the common good, and one of our shared values is the humane treatment of animals. One must consider all of the financial requirements of owning a pet—food, vet care and a safe environment. In short, these laws are part of our social contract.
- “A tether doesn't mean a dog is neglected. A dog could be just as neglected behind a fence. Removing chaining won't stop neglect, and we already have laws for that.” A tethering ordinance will not solve every dog problem in your community overnight, but it is part of a long-term solution and over time it will help improve the way dogs live in the community because it is taxing—and we all pay the costs. It is important to remember that tethering is more strongly correlated with dog bites and attacks than are dogs living behind fences, because it restricts natural behaviors.
- “What about the elderly lady who ties her dog to the front porch while she is gardening?” This type of situation is an exception your ordinance should exempt. Additionally, as this is a complaint-driven ordinance, very few people are going to complain to enforcement agencies about this woman, and even if they did, enforcement should easily be able to see that this situation is not dire or in need of correction. Law enforcement is empowered to make judgment calls and give people time to correct situations and know the difference between a cruel situation and one where the people just need a little support and information.
- “This ordinance will flood the shelters.” Ordinances should be designed to improve tethering situations, and the goal should be keeping pets in their homes when possible. Working with owners to reach compliance is the goal, and utilizing the citation/seizure options will be employed only when education is ineffective. This type of ordinance is complaint-driven, so there will likely be an increase in calls about chained dogs in the very beginning, but these will even out and eventually reduce the number of calls to law enforcement. Rather than being a burden on animal control, it will actually help decrease their workload because it creates long-term animal welfare change in the community by raising pet keeping standards.

8. Testify

If your council calls a public meeting to discuss your proposal, you should testify and get members of your coalition to testify with you. As much as chaining is a bad thing for dogs, you need to be sure to spend equal time focusing on the reasons that dog chaining is bad for people.

- Be sure your sponsor of the ordinance is prepared for the likely opposition before it is introduced.
- While every community is different, the odds are that someone in your area will oppose any kind of restrictions on chaining. Some of these people may include: owners' rights groups and “responsible” dog ownership groups, breeders and kennel clubs, hunters, and farmers.
- Plan ahead of time to make sure that everyone doesn't speak on the exact same points (a common problem at public hearings).

9. Regroup after defeat

You may not win on the first time around, but don't give up. Maybe your council wasn't ready for this particular issue at this time. Talk to the councilmembers who voted against your bill and find out why. You can learn from this experience and try to pass a better bill in the future.

10. Celebrate victory!

You have completed a great accomplishment, so be proud of all of your hard work! Once passed, stay in touch with your enforcement agency to see what/how you might be able to help get the word out (billboards, door hangers, social media, news outlets, etc.). Continue working with members of the coalition to start getting the dogs off their chains! See our resources on “community programs” for ideas of how you can supplement the ordinance with outreach efforts.

Sample Ordinances

Total Ban

Maumelle, Arkansas - Code of Ordinances

Sec. 10-90. - Confinement of animals.

Any person owning animals, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such animal within an adequate fence or enclosure, or within a house, garage or other building. Animals shall not be tied or chained to doghouses or other stationary objects but must be in an approved enclosure.

Total Ban

New Hanover, North Carolina

Sec. 3.4 (d)

Restraint: An animal is under restraint within the meaning of this chapter if it is controlled by means of a leash, or is sufficiently near the owner or handler to under his direct control and is obedient to that person's command; or is on or within a vehicle being driven or parked; or is within a secure enclosure. Exceptions to restraint are as follows: Organized and lawful animal functions e.g. hunting, obedience training, field and water training, law enforcement training and/or in the pursuit of working or competing in those legal endeavors. When a dog is on the property of its owner or guardian it shall be secured when not supervised by a competent person. Ropes, chains, and the like shall not constitute adequate security under this ordinance.

A. 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 dog owner's property or on the property of the dog owner's landlord.

B. Any dogs confined within a fenced yard must have an adequate space for exercise based on a dimension of at least one hundred square feet. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons having custody of such dogs shall provide an enclosure for such dogs meeting the one hundred square feet dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of 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.

Total Ban

Electra, Texas

Ordinance 96-9, Section 111

Restraint: A. 2. Dogs To Be Restrained—dogs shall not be allowed to run at large. All dogs must be restrained by some physical means; however, a dog shall not be considered at large when held or controlled by some person by means of a rope, leash, or chain. Dogs may not be tethered and the tethering of any dog shall be a violation of this chapter.

Total Ban

Little Rock, Arkansas

Section 6-16

Direct point chaining, or tethering of dogs to a stationary object, is prohibited.

Total Ban

Carthage, Missouri

Sec 4-7 (a)

All dogs must be confined within a fenced area, unless on a leash not longer than six feet long. At no time may any dog be tied to or leashed to inanimate objects i.e. trees, posts, etc. (b) Persons found guilty of violating this section will be liable to fines ranging from: \$25.00 - \$200.00. However, if said dog has been spayed or neutered the fines may be reduced, upon provided proof.

Total Ban with grace period for offenders

Live Oak, Texas

Code of Ordinances, Sec. 4-10. - Animal restraint is required.

- (a) It shall be unlawful for any person owning, harboring or in possession of any animal to permit it to be free of restraint either inside or outside such person's premises.
- (b) Any animal permitted to be kept within the city shall not be chained, tied, fastened or otherwise tethered to any stationary or inanimate object as a means of confinement and restraint to property. First-time violators of this provision may be given one to two days' grace without penalty to correct a violation of this provision. Exception from penalty shall not be given in any case where the violation of this provision causes or contributes to the bodily injury of a person or animal. An animal chained, not having food, not having water, [or] not having shelter shall be considered separate offenses under this provision and each violation shall carry a separate penalty.
- (c) All animals permitted to be kept within the city must be restrained at all times within the owner's premises by a secure fence or on a leash or lead.
- (d) Any dogs confined within a fenced yard must have an adequate space for exercise based on a dimension of at least 100 square feet. Provided further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons having custody of such dogs shall provide an enclosure for such dogs meeting the 100 square feet dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of 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.
- (e) An animal shall not be considered enclosed by a fence or restrained when and if the animal can pass through, under or over the fence, or the gate of the fence is not securely latched.
- (f) A dog that can snap or bite a person through a fence shall not be considered enclosed by the fence or restrained.
- (g) An electronic fence shall not be considered to be a fence, and an electronic leash shall not be considered to be a leash.
- (h) A dog will be considered to be leashed only when the leash is six feet or less in length or is a retractable leash, and is being grasped by an adult, provided that if the dog is less than 20 pounds then the leash may be grasped by a person who is competent to handle the dog and is over 12 years of age.

Ban except when owner is outside and present

Collier County, Florida

Sec. 14-34. - Inhumane treatment of animals.

- (b) Any enclosure used as a primary means of confinement for a dog must meet the definition of proper enclosure as stated in Section 14-35 of this Article. It shall be unlawful for a responsible party to tether a dog while outdoors, except when all of the following conditions are met. This section shall not apply to the transportation of dogs:
 - (1)The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.
 - (2)The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.
 - (3)The tether has the following properties: It is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than twice of the dog's weight; and it is free of tangles.
 - (4)The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
 - (5)The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.
 - (6)The dog has access to water, shelter, and dry ground.
 - (7)The dog is at least six months of age. Puppies shall not be tethered.
 - (8)The dog is not sick or injured.
 - (9)Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.

- (c) The director of animal services shall impound any animal found to be cruelly treated as defined in this article.
- (d) Whoever violates any provision of this section shall forfeit his right to license an animal in the County for one year in addition to any other penalty provided by this article or otherwise by law. Any ownership of such animal without benefit of a license shall be deemed an additional violation of this article.

Ban except when owner is outside and present

Durham County, North Carolina

Sec. 4-13. Definitions.

Attended leash means that the tethered dog is in visual range of the responsible party, and the responsible party is located outside with the dog.

Tethering means tying out or fastening a dog outdoors on a rope, chain or other type of line for holding a dog.

This shall not include tying out or fastening a dog outdoors on an attended leash.

Sec. 4-62. General care; prohibited acts.

(5) *Animal abuse*. Examples of animal abuse include, but are not limited to the following:

- a. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
- b. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
- c. Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter.
- d. Intentionally allowing animals to engage in a fight.
- e. Allowing animals to be kept in unsanitary conditions.
- f. Allowing animals to be kept in crowded conditions. As to dogs, less than 100 square feet of unobstructed area per each dog weighing 20 pounds or under, less than 200 square feet of unobstructed area per each dog weighing greater than 20 pounds. This sub section (f) shall not apply to licensed boarding facilities, licensed pet stores, veterinary care and grooming facilities.

(6) *Tethering of a dog except under the following circumstances*:

- a. Tethering for a period not to exceed 7 consecutive days while actively engaged in:
 - (i) shepherding or herding livestock;
 - (ii) lawful dog activities such as hunting training and hunting sporting events, field and obedience training, field or water training, law enforcement training, veterinary treatment and/or the pursuit of working or competing in these legal endeavors;
 - (iii) meeting the requirements of a camping or recreational area
- b. When participating in recognized exempt activities or when a dog is on an attended leash, tethered dogs shall be attended by a responsible person and shall be tethered in a manner that does not cause unjustifiable pain, suffering or risk of death. Tethers must be made of rope, twine, cord or similar material with a swivel on one end or must be made of a chain that is at least ten feet in length with swivels on both ends and which does not exceed ten per cent of the dog's body weight. All collars or harnesses used for the purpose of tethering a dog must be made of nylon or leather.

Weather provision and some humane standards

Michigan

Michigan Penal Code Section 750.50

- (l) "Tethering" means the restraint and confinement of a dog by use of a chain, rope, trolley, cable or similar device. A tether must be designed for dogs. No logging chains, tow chains or other lines or devices not intended for the purpose of tethering dogs may be used. No chain or tether shall weigh more than one-eighth of the dog's body weight. Tether must be free from entanglement to allow free movement of the full length of tether.
- (g) Tether a dog unless the dog is a minimum of 6 months of age, tether is at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering. A dog may not be tethered outside between the hours of 10:00 pm and 6:00 am Eastern Standard Time (or 10:00 pm and 6:00 am Central Standard Time in Gogebic, Iron, Dickinson, and Menominee Counties), and may not be tethered at any time if the temperature is below 32 degrees or above 85 degrees, or during any heat or wind chill advisory or watch or warning issued by the National Weather Service.

This section does not prohibit the following:

- (1) Attaching a dog to a running line, pulley, or trolley system, if the tether has swivels at both ends to prevent entanglement, and only if the dog has access to housing as defined in section (j).
- (2) Tethering, fastening, chaining, tying, or otherwise restraining a dog pursuant to the requirements of a camping or recreational area.
- (3) Tethering, fastening, chaining, or tying a dog during the restricted hours of 10:00 pm to 6:00 am. for no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period, which shall not exceed one (1) hour.
- (4) Tethering, fastening, chaining, or tying a dog while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of Michigan if the activity for which the license is issued is associated with the use or presence of a dog. Nothing in this section shall be construed to prohibit a person from restraining a dog while participating in activities or using accommodations that are reasonably associated with the licensed activity.
- (5) Tethering, fastening, chaining, or tying a dog while actively engaged in any of the following:
 - (i) Conduct that is directly related to the business of shepherding or herding cattle or livestock.
 - (ii) Conduct that is directly related to an agricultural operation, if the restraint is reasonably necessary for the safety of the dog.

Time restraint and humane standards

Orange County FL

Chapter 5 - Sec. 5-29. - Definitions.

Restraining device shall mean a chain, cord, or cable, with a minimum length of ten (10) feet, used to confine an animal on an owner's property. This device must provide for humane, unrestrained range of movement for the animal to insure that the animal is not exposed to hazard or injury and shall not prevent the animal from having food, water, shelter, adequate ventilation, protection from the elements or other care generally considered to be normal and usual. This device shall be proportional in size, weigh no more than one-eighth (1/8) of the dog or puppy's body weight, and designed for use with the specific breed of animal with an appropriate collar. These devices shall not be used to confine a dog on an owner's property between the hours of 9:00 a.m. and 5:00 p.m., three hundred sixty-five (365) days a year and during times of extreme weather, e.g., hurricanes, below freezing conditions.

Time limits, weather requirements, humane standards

Texas

Subchapter D. Unlawful Restraint of Dog

Sec. 821.076. Definitions.

In this subchapter:

- (1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.
- (2) "Owner" means a person who owns or has custody or control of a dog.
- (3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.
- (4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Sec. 821.077.

- (a) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:
 - (1) between the hours of 10 p.m. and 6 a.m.;
 - (2) within 500 feet of the premises of a school; or
 - (3) in the case of extreme weather conditions, including conditions in which:
 - (A) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;
 - (B) a heat advisory has been issued by a local or state authority or jurisdiction; or

(C) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(b) In this section, a restraint unreasonably limits a dog's movement if the restraint:

- (1) uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
- (2) is a length shorter than the greater of:
 - (A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - (B) 10 feet;
- (3) is in an unsafe condition; or
- (4) causes injury to the dog.

Humane standards but no weather or time limitations

District of Columbia

Sec. 22-1001

(b) For the purposes of this section, "cruelly chains" means attaching an animal to a stationary object or a pulley by means of a chain, rope, tether, leash, cable, or similar restraint under circumstances that may endanger its health, safety, or well-being. Cruelly chains includes, but is not limited to, the use of a chain, rope, tether, leash, cable or similar restraint that:

- (1) Exceeds 1/8 the body weight of the animal;
- (2) Causes the animal to choke;
- (3) Is too short for the animal to move around or for the animal to urinate or defecate in a separate area from the area where it must eat, drink, or lie down;
- (4) Is situated where it can become entangled;
- (5) Does not permit the animal access to food, water, shade, dry ground, or shelter; or
- (6) Does not permit the animal to escape harm.

Minimal standards

Hawaii

§711-1109 – Cruelty to animals in the second degree

(1) A person commits the offense of cruelty to animals in the second degree if the person intentionally, knowingly, or recklessly:

...

(g) Tethers, fastens, ties, or restrains a dog to a doghouse, tree, fence, or any other stationary object by means of a choke collar, pinch collar, or prong collar; provided that a person is not prohibited from using such restraints when walking a dog with a hand-held leash or while a dog is engaged in a supervised activity.

Example Exemptions

Rhode Island

General Laws § 4-13-42 Care of dogs.

(d) The provisions of this section shall not apply:

- (1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is provided;
- (2) If tethering or confinement is authorized in writing by an animal control officer;
- (3) To a training facility, grooming facility, commercial boarding kennel, pet shop licensed in accordance with chapter 4-19, animal shelter, municipal pound or veterinary facility;
- (4) To licensed hunters, field trial participants or any person raising or training a gun dog or hunting dog, provided that the licensed hunter or field trial hunt test participant is actively engaged in hunting, training or field trial hunt testing or is transporting the dog to or from an event;
- (5) To livestock farmers who use their dogs to protect their livestock from predators;

- (6) To an exhibitor holding a class C license under the Animal Welfare Act, (7 U.S.C. § 2133) that are temporarily in the state; or
- (7) To sled dog owners who are actively training their dogs to pull sleds in winter conditions.

Example Exemptions

Texas

Sec. 821.078.

EXCEPTIONS. Section 821.077 does not apply to:

- (1) a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;
- (2) a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
- (3) a dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;
- (4) a dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;
- (5) a dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or
- (6) a dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

Sample Testimony

Below is a sample testimony presented in support of a statewide anti-tethering measure in Pennsylvania (SB 373).

Members of the Senate Majority Policy and Judiciary Committees, I would like to thank you for giving me this opportunity to express my support for a new anti-tethering measure in Pennsylvania. My name is ----, and I am [affiliation to ordinance]. I am here to express support for an ordinance which balances well-crafted, reactive enforcement mechanisms along with more proactive efforts to prevent tragedies before they occur, and I am grateful for this opportunity to share my thoughts with you.

I would like to begin by commending the [government body] for recognizing tethering as a critical issue, with impacts both on animal welfare and human health and safety, and for considering this important piece of legislation.

Experts have long agreed that tethering is not conducive to the health and welfare of dogs. Back in June of 1996, the U. S. Department of Agriculture (USDA) issued a statement against tethering: "Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury." And the Association of Shelter Veterinarians in its 2009 Guidelines for Standards of Care in Animal Shelters said: "Tethering is an unacceptable method of confinement for any animal and has no place in humane sheltering. Constant tethering of dogs in lieu of a primary enclosure is not a humane practice."

But beyond being just animal welfare concerns, tethering poses a significant risk to communities. The American Veterinary Medical Association has been quoted as saying: "Never tether or chain your dog because this can contribute to aggressive behavior". The Centers for Disease Control (CDC) concluded in a study that the dogs most likely to attack are male, unneutered, and chained. The National Canine Research Council asserts that "the quality of a dog's relationship to humans is a crucial determinant of social behavior." And the scientific study "Which Dogs

Bite? A Case Control Study of Risk Factors” is just one of many studies which demonstrate that “chained dogs account for a substantial portion of serious and fatal bites.”

Chained dogs are also often the source of nuisance complaints, impacting the quality of life for community residents. It only makes sense that a dog tethered alone in a yard with nothing to muffle its sound is more likely to engage in nuisance behaviors like barking than a dog inside a house, making people tethered dogs likely to be considered bad neighbors.

Good tethering policies, then, which prevent dogs from living their lives on chains, are not only good for dogs, they are good for people. This bill is an important step in raising awareness of the issue and moving towards policies and practices which protect citizens, human and canine alike. 20 states have already recognized that tethering laws are an important component. Each has its own provisions and standards. In California, for example, the law specifies simply that “No person shall tether, fasten, chain, tie or restrain a dog to any dog house, tree, fence or other stationary object. [A person may temporarily tether a dog] no longer than is necessary for the person to complete a temporary task.” Connecticut’s law includes restrictions tied to environmental conditions, specifying that tethering is prohibited when a weather advisory or warning has been issued by authorities, or when outdoor conditions pose an adverse risk to the health and safety of the dog. And in Oregon, tethering is considered actionable when it results in physical injury to the dog. Like any other law, a good tethering law must meet the following standards: it must be clear, narrowly drafted and designed to actually solve the problem at hand, and beneficial to the entire community; it must be enforceable, and the enforcing agencies must have sufficient funding to be able to carry out its directives; and it must create mandates with which those targeted by its provisions have the ability to comply.

Most tethering ordinances struggle mightily with enforceability. For example, people often propose time limits for dogs on chains presuming, correctly, that a dog left unattended on a chain for extended periods of time is most likely to run the risk of self-injury or doing harm to others. But lengthy time periods can make enforcement a challenge – after all, most animal control officers do not have time to monitor a dog for extended periods to verify that their owner has not checked on them. And setting specific hours of the day as violations of law is generally not useful either – for example, a law that just bans chaining in overnight hours might unduly penalize someone who works a night shift, and it would offer no protection to dogs left out in the hot summer noontime sun. Care must be taken to ensure that any time periods specified in a law are not only logical, in terms of avoiding the hazards posed by tethering, but also practical from a law enforcement perspective.

It is important to note that a significant number of people who tether or chain their dogs do not do so out of malice. Programs like The HSUS’ Pets For Life and other entities that support under-served pet owners find that the vast majority of people care deeply about their pets, and are genuinely doing the best they can for them, within their means. Some people tether their dogs either because they may not be familiar with behavior and training to know how to successfully live with their pet inside, or they simply do not have the financial resources to employ another option. For example, the person who loves his dog, grew up with “outdoor dogs,” and genuinely believes that outdoor life is best for his pet, may think that he’s actually providing a higher standard of care for his dog through tethering because he is not letting the dog run free, thus avoiding the risk of being hit by a car or worse. For him, sharing information about the dangers of tethering and an offer to build a fence would change life for not just his current dog, but all subsequent dogs he and his family acquire. Or the tenant whose landlord forbids him to build a fence may not realize that crate training may be a healthier indoor alternative – or she may not have the funds with which to purchase the crate. Providing her with a crate and showing her how to acclimate her dog to it would change their lives forever. We find over and over again that, with rare exceptions, people genuinely do love their pets and want to do what’s best for them. Preventative measures designed to assist people to improve the quality of care they are able to give their pets is often the best answer, and can avoid the need for punitive enforcement of tethering and other welfare-related laws.

Efforts to improve confinement practices for dogs should not end with laws that punish violators. We hope that with the new spotlight being shown on this issue, [state/local city or county] will also consider complimentary proactive

approaches to prevent citizens from needing tethering as a form of confinement in the first place. The Humane Society of the United States is happy to provide more information about those types of approaches, which are gaining momentum in a variety of U.S. communities.