

Proposed Substitute House Bill 1755
By Representative Goodman

EFFECT:

- Removes the modifications to the definitions of “necessary food” and “necessary shelter.”
- Makes charging mandatory rather than discretionary if the owner is found to have committed a violation under the act.
- Adds the following to the list of violations:
 - o Restraining or tying a dog outside during a severe weather advisory (rather than a declared weather advisory) unless the dog is provided with adequate shelter.
 - o Restricting the dog's range of motion to less than three times the dog’s length.
 - o Restraining the dog in such a way that the dog has to stand, sit, or lie down in its own excrement or urine, or in a manner that causes the dog pain, even in circumstances that are otherwise exceptions to the unlawful tethering restrictions.
 - o Using a restraint that weighs more than one-eighth the dog’s body weight.
- Removes the following from the list of violations:
 - o Restraining or tying a dog in a manner that does not allow the dog shelter when temperatures are outside of the range of forty to eighty-five degrees or when there is precipitation.
 - o Restraining or tying a dog in a location near a school or daycare.
- Makes the following changes to the list of exceptions:
 - o Creates an exception for transporting a dog in a vehicle.
 - o Removes the exception for temporary care at a boarding kennel or facility.
- Requires that the written notice of a first violation describe the nature of the violation, and changes the time an owner has to remedy the violation from 48 hours to 14 days.
- Adds a new chapter allowing written exemptions granted to individual owners at the discretion of the animal control authority. An exemption can be granted upon unusual circumstances that make the tethering necessary as long as the tethering is for no more than 16 hours in a 24 hour period. An exemption may also be granted if the dog is an arctic breed used as a sled dog. In either circumstance the dog’s health and safety must be attended to. Exemptions may be revoked at the animal control authority’s discretion if the conditions for the exemption no longer exist or a well-founded complaint is placed alleging neglect, nuisance, or safety threat.
- Makes several other changes for technical correctness and clarity.
- Removes the emergency clause.

1 AN ACT Relating to the humane treatment of dogs; amending RCW
2 16.52.165; adding new sections to chapter 16.52 RCW; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.52 RCW
6 to read as follows:

7 (1)(a) An owner shall be charged with unlawful tethering if the
8 owner leaves a dog restrained or tied outside by use of a tether,
9 chain, rope, cord, pulley, trolley system, or other device under any of
10 the following circumstances:

11 (i) Between the hours of 10:00 p.m. and 6:00 a.m.;

12 (ii) For more than ten hours consecutively, or more than ten hours
13 within any twenty-four hour period;

14 (iii) During any severe weather advisories, warnings, or
15 emergencies that have been issued or declared by the national weather
16 service for the location at which the dog is tethered, unless the dog
17 is provided with natural or manmade shelter that is adequate to keep
18 the dog safe, dry, and protected under such conditions;

1 (iv) On the same chain, tether, rope, cord, pulley, trolley system,
2 or fixed point as another animal;

3 (v) In a manner that allows the dog to be within ten feet of any
4 public right-of-way;

5 (vi) In a manner that prevents the dog from lying, sitting, and
6 standing comfortably, and without the restraint becoming taut, and that
7 does not allow the dog a range of movement equal to at least three
8 times the length of the dog, measured from the tip of its nose to the
9 base of its tail;

10 (vii) In a manner that results, or could reasonably result, in the
11 dog becoming entangled on the restraint or another object;

12 (viii) If the dog is sick, injured, or in distress, in the advanced
13 stages of pregnancy, or under six months of age;

14 (ix) In a manner that results in the dog being left in unsafe or
15 unsanitary conditions, or that forces the dog to stand, sit, or lie
16 down in its own excrement or urine; or

17 (x) In a manner that causes injury or pain to the dog.

18 (b) An owner shall be charged with unlawful tethering if the
19 devices used to tie or restrain the dog do not meet the following
20 specifications:

21 (i) Any tether, fastener, chain, tie, or other restraint must weigh
22 no more than one-eighth the body weight of the dog, and must be
23 attached to a properly fitted buckle-type harness or collar, not less
24 than one inch in width, that provides enough room between the collar or
25 harness and the dog's throat to allow normal breathing and swallowing.

26 (ii) Choke, pinch, or prong-type collars may not be used in
27 tethering, fastening, chaining, or tying a dog.

28 (2) The provisions of subsection (1)(a)(i) through (viii) of this
29 section do not apply to a dog:

30 (a) Tethered, chained, tied, or otherwise restrained while the dog
31 is receiving medical care or treatment under the supervision of a
32 licensed veterinarian;

33 (b) Participating temporarily in an exhibition, show, contest, or
34 other event in which the skill, breeding, or stamina of the dog is
35 judged or examined;

36 (c) Being kept temporarily at a camping or recreation area;

37 (d) Being cared for temporarily after having been picked up as a
38 stray or as part of a rescue operation;

1 (e) Being transported in a motor vehicle; or

2 (f) Being trained or used by a federal, state, or local law
3 enforcement agency or military or national guard unit.

4 (3) Each incident involving any violation of this section is a
5 separate offense. A person who violates this section is subject to the
6 following penalties:

7 (a) For a first offense, the owner shall be given a written notice
8 of warning, which specifies the applicable subsection or subsections of
9 this section that has been violated, and describes the nature of the
10 violation or violations.

11 (i) The notice must give the owner fourteen days to remedy the
12 violation or violations.

13 (ii) Whenever possible, the owner must also be provided with
14 educational information about the dangers of tethering, as well as
15 information about humane and safe restraint methods, and referrals to
16 organizations able to offer assistance with establishing humane and
17 safe restraint methods. Pamphlets or other information prepared by
18 local or national nonprofit organizations may be used for this purpose.

19 (b) A second offense, or a failure to remedy the violation or
20 violations noted in a written notice of warning within fourteen days,
21 is a class 2 civil infraction under RCW 7.80.120(1)(b).

22 (c) Third and subsequent offenses are misdemeanors under RCW
23 16.52.165.

24 (4) This section does not preempt ordinances enacted by local
25 jurisdictions that are more restrictive or establish greater civil
26 penalties or criminal penalties for unlawful tethering.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW
28 to read as follows:

29 (1) A written exemption to section 1(1)(a) (i) or (ii) of this act,
30 or both may be granted to an individual owner at the discretion of the
31 animal control authority with appropriate jurisdiction, either before
32 or after a notice of warning has been issued, upon the owner's
33 demonstration of the following circumstances, which shall be documented
34 in writing:

35 (a) The existence of unusual circumstances that make the tethering
36 of a dog necessary for a duration, or during a time period, otherwise
37 prohibited by section 1(1)(a) (i) and (ii) of this act;

1 (b) That the dog is not tethered for more than sixteen hours in any
2 twenty-four hour period;

3 (c) That the dog is provided with necessary food and necessary
4 water, receives adequate exercise and socialization, and has access to
5 natural or manmade shelter that is sufficient to keep the dog safe,
6 dry, and protected from the elements; and

7 (d) That adequate precautions have been taken to safeguard the
8 health and safety of the dog, and to prevent the dog from being a
9 nuisance or danger to the public.

10 (2) A written exemption to section 1(1)(a) (i) or (ii) of this act,
11 or both shall be granted to an individual owner by the animal control
12 authority with the appropriate jurisdiction, either before or after a
13 notice of warning has been issued, if the animal control authority
14 determines the owner has adequately demonstrated the following
15 circumstances, which shall be documented in writing:

16 (a) That the dog is an arctic breed, and the dog is used regularly
17 in competitive or recreational sled dog activities, or in training for
18 such activities;

19 (b) That the dog is provided with necessary food and necessary
20 water, receives adequate exercise and socialization, and has access to
21 natural or manmade shelter that is sufficient to keep the dog safe,
22 dry, and protected from the elements; and

23 (c) That adequate precautions have been taken to safeguard the
24 health and safety of the dog, and to prevent the dog from being a
25 nuisance or danger to the public.

26 (3) An exemption issued under this section may be revoked in
27 writing at any time by the animal control authority when the animal
28 control authority determines, in its discretion, that:

29 (a) The conditions required to obtain the exemption no longer
30 exist; or

31 (b) A well-founded complaint has been made alleging that the dog is
32 abused or neglected, has created a nuisance, or poses a threat to the
33 safety of people or domestic animals.

34 (4) Exemptions authorized under this section may be granted only on
35 a case-by-case basis to individual owners of dogs and shall not be
36 granted as blanket exemptions to multiple owners or groups of owners.

1 **Sec. 3.** RCW 16.52.165 and 1982 c 114 s 7 are each amended to read
2 as follows:

3 Every person convicted of any misdemeanor under RCW 16.52.080
4 (~~or~~), 16.52.090, or section 1 of this act shall be punished by a fine
5 of not exceeding one hundred and fifty dollars, or by imprisonment in
6 the county jail not exceeding sixty days, or both such fine and
7 imprisonment, and shall pay the costs of the prosecution.

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