

SHB 1755 - H AMD 961

By Representative Goodman

1 Strike everything after the enacting clause and insert the
2 following:

3
4 "NEW SECTION. **Sec. 1.** A new section is added to chapter 16.52
5 RCW to read as follows:

6 (1)(a) A person shall be subject to penalties as provided in this
7 section if the person leaves a dog restrained or tied outside by use
8 of a tether, chain, rope, cord, pulley, trolley system, or other
9 device under any of the following circumstances:

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

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

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

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

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

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

27

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

3 (viii) The dog is sick, injured, or in distress, in the advanced
4 stages of pregnancy, or under six months of age;

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

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

9 (b) A person shall be subject to penalties as provided in this
10 section if the person leaves a dog restrained or tied under
11 circumstances that do not meet the following requirements:

12 (i) Any tether, fastener, chain, tie, or other restraint must
13 weigh no more than one-eighth the body weight of the dog, and must be
14 attached to a properly fitted buckle-type harness or collar that
15 provides enough room between the collar or harness and the dog's
16 throat to allow normal breathing and swallowing.

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

19 (2) The provisions of subsection (1)(a)(i) through (viii) of this
20 section do not apply to a dog that is:

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

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

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

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

30 (e) Being transported in a motor vehicle, or temporarily
31 restrained or tied after being unloaded from a motor vehicle;

32 (f) Being trained or used by a federal, state, or local law
33 enforcement agency or military or national guard unit; or

34 (g) Being used to assist in the care or protection of livestock.

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

4 (a) A first offense is a class 2 civil infraction under RCW
5 7.80.120(1)(b).

6 (b) A second or subsequent offense is a misdemeanor under RCW
7 16.52.165.

8 (4) This section and section 2 of this act do not preempt
9 ordinances enacted by local jurisdictions that are more restrictive or
10 establish greater civil penalties or criminal penalties for unlawful
11 tethering.

12
13 NEW SECTION. **Sec. 2.** A new section is added to chapter 16.52 RCW
14 to read as follows:

15 (1) A written exemption to section 1(1)(a)(i) or (ii) of this act,
16 or both, may be granted to an individual owner by the animal control
17 authority with appropriate jurisdiction, if the animal control
18 authority determines that the owner has demonstrated the following
19 circumstances, which must be documented in writing:

20 (a) The dog is provided with necessary food and necessary water,
21 receives adequate exercise and socialization, and has access to
22 appropriate natural or manmade shelter;

23 (b) Adequate precautions have been taken to safeguard the health
24 and safety of the dog, and to prevent the dog from being a nuisance or
25 danger to the public; and

26 (c) Either:

27 (i) There are unusual circumstances that make the tethering of a
28 dog necessary for a duration, or during a time period, otherwise
29 prohibited by section 1(1)(a)(i) or (ii) of this act. The animal
30 control authority may consider the use of a dog for a particular
31 purpose, such as assistance with agricultural activities as defined by
32 RCW 90.58.065, to constitute an unusual circumstance under this
33 section; or

34

1 (ii) The dog is an arctic breed, and the dog is used regularly in
2 competitive or recreational sled dog activities, or in training for
3 such activities.

4 (2) Any exemption granted under subsection (1)(c)(i) of this
5 section:

6 (a) Must specify the unusual circumstances demonstrated by the
7 owner and the reasons why these circumstances necessitate an exemption
8 to section 1(1)(a)(i) or (ii) of this act, or both, and must only
9 exempt an owner to the extent necessary; and

10 (b) May not allow for a dog to be tethered for more than sixteen
11 hours in any twenty-four hour period.

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

15 (a) The conditions required to obtain the exemption no longer
16 exist; or

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

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

23 (5) Local jurisdictions may use a permitting or licensing process
24 to implement the exemptions authorized by this section.

25
26 **Sec. 3.** RCW 16.52.165 and 1982 c 114 s 7 are each amended to read
27 as follows:

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

EFFECT: The amendment makes the following changes:

- Modifies the list of unlawful tethering criteria:

- o Removes the one-inch collar width requirement.
- o Creates new exceptions for temporary restraint after a dog is unloaded from a motor vehicle and for the use of dogs for the care or protection of livestock.
- Modifies the section regarding written exemptions by animal control to the limits on the duration of tethering:
 - o Adds that animal control can consider that the dog is being used for a particular purpose, particularly for agricultural activities, in determining whether unusual circumstances warrant an exemption.
 - o Requires provision of "appropriate" natural or manmade shelter (rather than shelter "sufficient to keep the dog safe, dry, and protected from the elements").
 - o Adds that, if the exemption is based on unusual circumstances, the exemption must:
 - Specify what the unusual circumstances are and why the exemption is needed;
 - Not provide a greater exemption than is necessary; and
 - Not allow a dog to be tethered for more than 16 hours in a 24 hour period (this was previously listed in what the owner must demonstrate to obtain the exemption; it is now listed in the requirements for the exemption itself).
- Makes other changes for clarity and technical correctness and to delete repetitious language.

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