

1 SB236  
2 164997-1  
3 By Senator Waggoner  
4 RFD: Agriculture, Conservation, and Forestry  
5 First Read: 17-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 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.