
SUBSTITUTE SENATE BILL 5649

State of Washington 62nd Legislature 2011 Regular Session

By Senate Judiciary (originally sponsored by Senators Harper, Shin, Murray, Nelson, Pridemore, Chase, Kohl-Welles, and Kline)

READ FIRST TIME 02/21/11.

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

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

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

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

10 (i) For more than ten consecutive hours within any twenty-four hour
11 period;

12 (ii) In a manner that prevents the dog from lying, sitting,
13 standing comfortably and without the restraint becoming taut;

14 (iii) In a manner that results, or could reasonably result, in the
15 dog becoming entangled on the restraint or another object;

16 (iv) In a manner that does not allow the dog to have access to
17 necessary manmade or natural shelter;

18 (v) In a manner that causes injury to the dog;

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

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

5 (viii) In a manner that allows the dog to be within ten feet of any
6 active public right-of-way.

7 (b) All devices used to tie or restrain the dog must meet the
8 following specifications:

9 (i) Any tether, fastener, chain, tie, or other restraint must be
10 attached to a properly fitted buckle-type harness or collar, not less
11 than one inch in width, that provides enough room between the collar or
12 harness and the dog's throat to allow normal breathing and swallowing.

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

15 (2) The provisions of this section do not apply to a dog:

16 (a) Tethered, chained, tied, or otherwise restrained or placed in
17 a pen or enclosure by a licensed veterinarian while the dog is
18 receiving veterinary care or treatment, except as provided in
19 subsection (1)(b)(i) and (ii) of this section;

20 (b) That is an arctic breed that is used for sled dog activities;

21 (c) Participating temporarily in an exhibition, show, contest, or
22 other event in which the skill, breeding, or stamina of the dog is
23 judged or examined;

24 (d) Being kept temporarily in a boarding kennel or facility or at
25 a camping or recreation area;

26 (e) Being cared for temporarily after having been picked up as a
27 stray or as part of a rescue operation; or

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

30 (3) Each violation of this section is a separate offense. A person
31 who violates this section is subject to the following penalties:

32 (a) For a first violation, the owner must be given a written notice
33 of warning, which specifies the applicable subsection of this section
34 that has been violated.

35 (i) The notice must give the owner fourteen days to remedy the
36 violation.

37 (ii) Whenever possible, the owner must also be provided with
38 educational information about the dangers of tethering, as well as

1 information about humane and safe restraint methods, and referrals to
2 organizations able to offer assistance with establishing humane and
3 safe restraint methods. Pamphlets or other information prepared by
4 local or national nonprofit organizations may be used for this purpose.

5 (b) A second violation, or a failure to remedy the conditions noted
6 in a written notice of warning within fourteen days, is a class 2 civil
7 infraction under RCW 7.80.120(1)(b).

8 (c) Third and subsequent violations are misdemeanors under RCW
9 16.52.165.

10 (4) This section does not preempt ordinances enacted by local
11 jurisdictions that establish greater civil penalties or criminal
12 penalties for unlawful tethering.

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

15 (1) An exemption to the proscriptions in section 1(1) of this act
16 may be granted at the discretion of the animal control authority in
17 each jurisdiction, either before or after a written notice of warning
18 has been issued, upon an owner's showing of the following
19 circumstances:

20 (a) The existence of unusual circumstances that make the tethering
21 of a dog necessary for a duration, or during a time period, otherwise
22 prohibited by section 1 of this act;

23 (b) That the dog is not tethered for more than sixteen hours in any
24 twenty-four hour period and that the dog receives adequate exercise and
25 socialization while not tethered; and

26 (c) That adequate precautions have been taken to safeguard the
27 health and safety of the dog and prevent the dog from being a nuisance
28 or danger to the public.

29 (2) An exemption issued under this section may be revoked at any
30 time by the animal control authority under the following circumstances:

31 (a) The animal control authority determines in its discretion that
32 the conditions required to obtain the exemption no longer exist; or

33 (b) A well-founded complaint has been made alleging that the dog is
34 abused or neglected, has created a public nuisance, or poses a threat
35 to the safety of humans.

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