HOUSE DOCKET, NO. 3139 FILED ON: 1/21/2011

HOUSE . . . . . No. 2809

The Commonwealth of Massachusetts

PRESENTED BY:

Cheryl A. Coakley-Rivera

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act prohibiting the prolonged confinement of dogs outside .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cheryl A. Coakley-Rivera	*10th Hampden*
Angelo J. Puppolo, Jr.	*12th Hampden*

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By Ms. Coakley-Rivera of Springfield, a petition (accompanied by bill, House, No. 2809) of Cheryl A. Coakley-Rivera and Angelo J. Puppolo, Jr. for legislation to impose a penalty for the prolonged confinement of dogs outside. The Judiciary.

The Commonwealth of Massachusetts

An Act prohibiting the prolonged confinement of dogs outside .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 140 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 174D the following section:

SECTION 174E: (a) No person owning or keeping a dog shall chain or tether a dog to a stationary object including but not limited to any structure, dog house, pole or tree for longer than 8 total hours in any 24-hour period. Any tethering employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether must be designed for dogs. No logging chains and other lines or devices not 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. Nothing in this section shall be construed as prohibiting a person from walking a dog on a hand held leash. No dog under the age of 6 months shall be tethered outside for any length of time.

(b) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following three methods:

(1) Inside a pen or secure enclosure, if the following conditions are met:

(i) The pen or secure enclosure has adequate space for exercise with a dimension of at least 100 square feet. Commercial dog kennels with pens intended for the temporary boarding of dogs are exempt from this requirement.

(ii) The pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all 4 sides enclosed.

(iii) The minimum height of the fence is adequate to successfully confine the dog.

(2) A fully fenced, electronically fenced, or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard.

(3) A trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:

(i) Only 1 dog may be tethered to each cable run.

(ii) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit. Choke collars and pinch collars are prohibited for the purposes of tethering a dog to a cable run.

(iii) There must be a swivel on at least 1 end of the tether to minimize tangling of the tether.

(iv) The tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level.

(v) The length of the tether from the cable run to the dog's collar or harness must allow continuous access to clean water and appropriate shelter at all times as described in subsection (c). The trolley system or tether must be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury or strangulation of the dog, and to prevent the trolley system or tether from becoming tangled with other object or animals.

(c) Any person owning or keeping a dog confined outside in accordance with subsection (b) must provide the dog with access to clean water and appropriate dog shelter. The dog shelter must allow the dog to remain dry and protected from the elements. Such shelter shall be fully enclosed on at least three sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down, and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage must be provided so that water, ice, or waste is not standing in or around the shelter.

(d) No person owning or keeping a dog may leave a dog chained, tethered or confined outside between the house of 11:00 p.m. and 7:00 a.m.

(e) Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

(f) No person owning or keeping a dog may subject the dog to cruel conditions or inhumane chaining or the tethering at any time. Cruel conditions and inhumane chaining or tethering are defined as, but not limited to, the following conditions:

(1) Filthy and dirty confinement conditions, including but not limited to exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill the dog upon contact, or other circumstances that could cause harm to the dog's physical or emotional health.

(2) Taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog.

(3) Subjecting the dog to dangerous conditions, including attack by other animals.

(g) Any person who violates this section shall, for the first offense, be issued a written warning or punished by a fine of not more than $50, for the second offense, be punished by a fine of not more than $100, and for the third and any subsequent offense, be punished by a fine of not more than $300, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section or loss of ownership of the dog.