

# Passing A TETHERING ORDINANCE In Your Community

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*LEGISLATE TO CHANGE THEIR FATE*



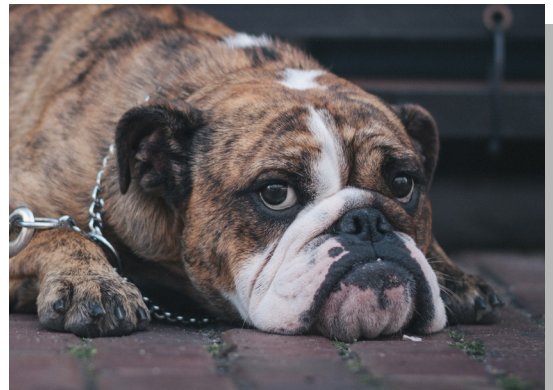
# INTRODUCTION

For many Texans, dogs are part of the family. They are social animals who love to spend time with their owners. Yet many dogs all over Texas live their entire lives at the end of a chain. Dogs permanently tied up outside often lack proper food, water, and shelter because their owners have all but forgotten about them. They become lonely, bored, and anxious, and can also develop aggressive behaviors from psychological and social deprivation. It is a tragic existence for the animals many of us call family.

While THLN continues to fight for a state law that defines and sets out requirements for adequate shelter for dogs and limits tethering/chaining, THLN encourages advocates to work towards updating or changing their own local tethering ordinances. Local ordinances are a great tool for helping animals in your community, and some Texas communities have already begun passing their own laws against long-term chaining. THLN is proud to provide resources to help community advocates do this work.

The THLN Tethering Toolkit is a great starting place. These resources on tethering are specifically designed to aid citizens in enacting local anti-chaining ordinances. Below you will find sample ordinances, tips for garnering community and lawmaker support, and more. Feel free to contact THLN for additional information and support.

Thank you for everything you do to help dogs in your community live better lives, off the chain.



## TX PUPS ARE COUNTING

## ON YOU! 🐾



# TALKING POINTS ON INHUMANE TETHERING:

## Why Change Your Ordinance?

You, as an advocate, should understand and use certain facts and statistics when discussing how the issue of inhumanely tethered dogs impacts all members of the community.

Below are some pieces of information that will get you started.

## Definition of Inhumane Tethering

Tethering means using a rope, strap, chain, or cord to tie a dog to a fixed object in order to keep the dog within a certain area for a continuous time period. Tethering becomes inhumane when a dog is kept chained alone in one spot for hours, days, months, or even years, and consequently, suffers immense physical and psychological damage. ([humanesociety.org](http://humanesociety.org), “[Chaining and tethering dogs FAQ](#)”)

## Consequences of Inhumane Tethering

### To Dogs:

The necks of chained dogs often become raw as a result of improperly fitted collars and their constant yanking and straining to escape confinement. Some chained dogs have collars embedded in their necks because their owners fail to replace the collars when the dogs outgrow them. Dogs also frequently become entangled in their chains or tethers, which limits the dogs’ access to food, water, and shelter, and can cause serious physical injury. And the chains often weigh more than the dogs themselves, which significantly limits the dogs’ range of movement. An otherwise friendly dog, when kept continuously chained, becomes neurotic, unhappy, anxious, and often aggressive.



### To People:

Chained dogs are statistically more dangerous than even free-running packs of dogs because their unfortunate circumstances render them undersocialized, territorial, and prone to aggression. According to a study, chained dogs killed at least 109 people between 1965 and 2001 ([Denko, DPS Tethering Study](#)): 99 of the incidents involved children who wandered into the reach of a chained dog and 11 were attacks by dogs who broke free of their restraints. Several Texas children are included among these fatalities; in 2007, ten-year-old Amber Jones was mauled to death by a chained dog she helped free from a fence in San Antonio ([PETA.org](http://PETA.org), “[Chained-Dog Attack Summaries](#)”) and in 2008, five-year-old Pablo Hernandez was killed by a neighbor’s dog who was “always chained up” in Weslaco ([BrownsvilleHerald.com](http://BrownsvilleHerald.com), “[Pit bull attacks, kills boy near Weslaco](#)”).

## National Agencies and Organizations Against Inhumane Tethering

The following government agencies and professional organizations are among those that have taken positions against inhumane tethering: the United States Department of Agriculture (USDA), the American Veterinary Medical Association (AVMA), and the Centers for Disease Control (CDC). Various national animal-welfare organizations, including the American Society for the Prevention of Cruelty to Animals (ASPCA), the Humane Society of the United States (HSUS), and Mothers Against Chaining Dogs, have also set forth policies in favor of ending the practice.



# Strict Tethering Ordinances Are Good for Communities

Everyone in a community benefits from the ordinances.

**For law enforcement and animal control officers,** these ordinances create clear boundaries and expectations of pet owners. They allow for the employment and enforcement of citations and other penalties so the owner doesn't just go back to tethering their animals after the officer leaves.



**For animals,** because dogs are social beings, leaving them constantly tied up outside means they become lonely, bored, and anxious, which can lead to aggression. Chains can also cause physical injury, putting the dog at risk from extreme weather conditions and an inability to access food, water, or basic shelter.



**For neighbors,** because beyond physical danger from aggressive dogs, chained dogs also can be a public nuisance. These dogs are notorious for uncontrolled barking stemming from their lack of exercise, which leads to pent-up energy.



## Gathering Data

It is also important to research how many calls your local animal control office receives per year about inhumanely tethered dogs, chained dogs barking, or dogs lacking access to food, water, and shelter. You can do this through a Public Information Act Request (see [texasattorneygeneral.gov/open-government/members-public/how-request-public-information](https://texasattorneygeneral.gov/open-government/members-public/how-request-public-information) for more information). These statistics will help you paint a picture of how chaining affects your community.

## Understand Humane Alternatives to Tethering

People may ask you what owners can do with their previously-tethered dogs if your tethering ban passes. Below are some humane alternatives to tethering or chaining a dog to a stationary object:

### Fencing

Installing a fence will prevent a dog from roaming and add protection from predators. Owners, especially those renting their residences, can also install a dog run. If the dog jumps over the fence, the owner can install a 45-degree inward extension to the top of the existing fence. Many home improvement stores sell these extensions. If the dog digs under the fence to escape the yard, bury chicken wire to a depth of one foot below where the fence meets the ground (be sure to bend in the sharp edges). Or place large rocks at the base of the fence.

### Other Alternatives

- Dog run: fenced-in areas for dogs to exercise unleashed. These can be purchased online or at a home improvement store.
- Dog house: can be used as the primary means of shelter, but be sure it has three sides and flooring in order to protect the dog from the elements.
- Cable runner or trolley: a cable attached to an aerial line, allows a dog to run back and forth. These can be purchased online or at a pet supply or home improvement store.

## FIND YOUR TEAM

Gathering a diverse team of supporters will show your elected officials that a significant portion of the community supports your efforts.

### Supporters include:



Law enforcement/fire department/animal control



Shelters, rescue groups, or animal advocates in the community



Veterinary professionals (vets typically are highly respected from city officials)



The general public

We strongly recommend a group approach to ensure that all viewpoints are heard. You'll want to talk to representatives from at least the above groups in order to **(1)** hear and understand their perspectives on the tethering issue; **(2)** get them involved with your project; and **(3)** encourage them to testify in support of your proposal. You can easily find contact information for most of these groups on the internet.

## WHAT KIND OF ORDINANCE IS RIGHT FOR YOUR COMMUNITY?

There are many different kinds of tethering ordinances across Texas, so you should ensure your proposed legislation is the right fit for your community. Here are some examples:

### No Tethering

Total bans are straightforward, making enforcement easier. But because this is such a stringent regulation (and may affect people who are tethering their dogs for short periods of time with no adverse consequences), there's more likely to be strong opposition.

### Tethering with Humane Standards and Time Limits

Tethering can be regulated based on the materials used, the objects the tether is attached to, the length of the tether, and the quality of the living space (including food, water, and shelter). Our recommendations are listed in the "Standards of Care Regulation" section below.

Time limits on tethering means animals can only be tethered for a certain number of consecutive hours within a 24-hour period. Enforcement of these limits can be tricky, though, because law enforcement officers rarely have blocks of time available to verify that a dog has been tethered beyond a time limit. On the other hand, time restrictions ban tethering during certain hours of the day. These restrictions allow law enforcement to easily detect violations of the ordinance.

## Restrictions for Extreme Weather

Some communities restrict tethering during extreme weather and/or natural disasters. Extreme temperatures are typically defined as below **32F** and above **105F**, and natural disasters include hurricanes, tornadoes, wildfires, and rainstorms. Protecting dogs from extreme weather events can be a very compelling argument for anti-chaining legislation. This can also be a good compromise for communities reluctant to implement a stricter ordinance. Utilize the National Weather Service advisor ([www.weather.gov](http://www.weather.gov)) to develop clear guidelines for when dogs must be brought inside.

## Standards of Care Regulation

These ordinances provide minimum standards of care for all dogs. They may not get a dog off its chain, but when enforced positively, they can improve the quality of life for these dogs, which is also extremely important.

### Collar or Harness Types Used

Dogs are typically attached to the tether by a collar or harness. Some communities forbid attaching dogs by a collar, but if collars are used, an ordinance can mandate that they should be properly fitted and ban the pinch, prong, or choke type for tethering.

### Type of Tether

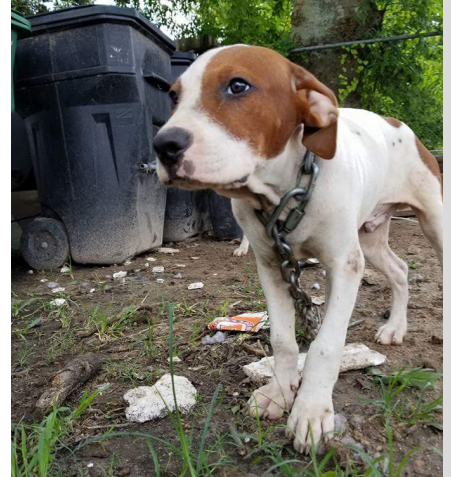
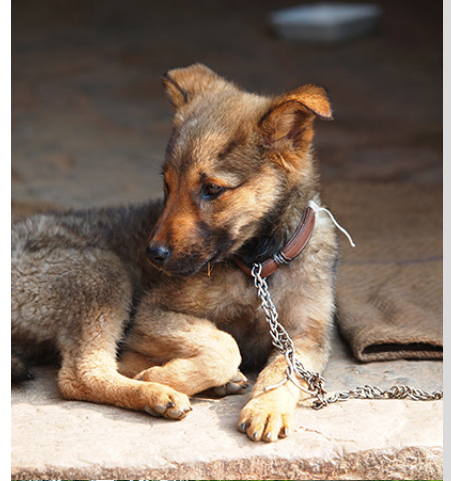
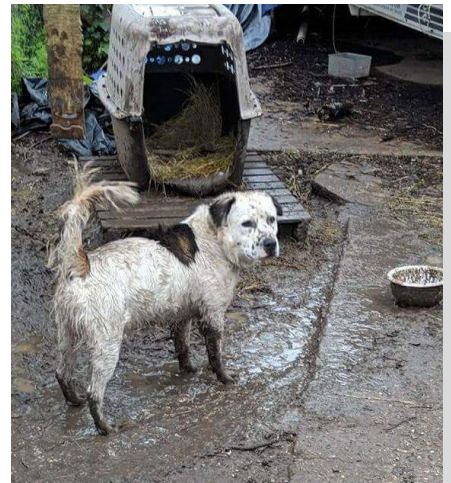
A tether should not be too heavy; the maximum weight limit should be no more than 1/10 or 1/8 of the dog's body weight. The length of the tether should be at least five times the length of the dog (from tip of nose to base of tail) and never less than ten feet. Additionally, all tethers should have swivels on both ends to prevent twisting and tangling.

### Food and Water

The Texas animal cruelty law already requires that dogs receive necessary food and water. With tethered dogs, though, an ordinance can include additional penalties for failing to comply with that law.

### Shelter and Enclosure

Texas law defines shelter for dogs as that which is necessary to keep them in good health. Therefore, all dogs who spend any period of unsupervised time outdoors must have some kind of shelter to prevent injury and discomfort from severe weather. They should also have a shaded area separate from the shelter for relief from the heat and enough room in their enclosure to move normally. There's a lot of leeway on what can constitute a shelter, but definitions can range from anything with three sides and a roof to much more complicated structures. The shelter and surrounding area should be free of garbage or other debris that can harm the dog. Also, there should be no objects within the radius of the tether that a dog can get hung upon.





# LET'S PASS AN ORDINANCE!

Once you've met with the stakeholders in your community and decided on the wording of your tethering ordinance, the next step is to start the process of getting your ordinance passed. The following steps will get you on the right track.



## 1. Know the issue

Become an authority on the tethering issue and have talking points ready (THLN can help you with this). Understand how tethering affects your community, and highlight any recent cases in your area (your local animal control officers, law enforcement, and/or veterinarians can help with this).

## 2. Learn the process

The process for passing local legislation varies, so take the time to get familiar with how things work in your community. An official or employee in your local government offices may be able to help you.



## 3. Create your team

Utilize your list of supporters to create a Tethering Team. You can activate this team for letter-writing, phone calls, testifying at hearings, writing op-eds in your local papers, and other advocacy. Be sure to keep in touch with your team throughout the process - consider creating an email listserv, a Facebook group, a chat group on Slack, or a website or blog.

## 4. Find a friend in office

Public officials tend to take citizens interests seriously, so try talking to your own council member first. If your own council member is not interested in your ordinance, try to find another official with an interest in animal issues and pitch your idea.



Once you find a sponsor for your ordinance, that sponsor, as well as other public officials, will want answers to the following questions:

- Why is this issue important?
- How will the proposed language solve the issue?
- Who supports the bill?
- Who opposes the bill?
- Does the bill have a fiscal impact?
- How have other states and other cities in Texas dealt with the issue?

**THLN can help you develop answers to these questions once you've reached this point.**



**1-888-548-6263**



**@THLNTX**



**thln.org/contact**



## 5. Draft the ordinance

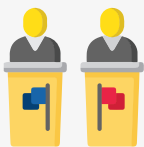
Your ordinance will have to follow the appropriate legislative format. It may be best to have an attorney (who may be willing to volunteer a few hours on a pro bono basis) or someone with legislative experience help you write the draft. It can also be helpful to find model language from other ordinances as a starting point. We've included some sample ordinances later in this document to get you started.

## 6. Get community support

Support for an ordinance can mean a lot of different things, including testifying at council meetings, contacting council members to express support for the ordinance, and informing others about the ordinance.



- Schedule a meeting with your local newspaper to ask them to support your proposal.
- Contact other media outlets, including television, radio, and social media sites dedicated to your community (such as Facebook groups and Next Door) to let them know about your efforts.
- Write letters to the editor of your local paper, remembering to state your case clearly & concisely.
- Prepare a fact sheet with key messages, specific data, and examples you can provide to members of your community and those in decision-making positions.
- Set up appointments with government staff and distribute the fact sheet to them, too.



## 7. Understand your opposition and be prepared to compromise

Some people in your community may oppose your ordinance. We've seen opposition from people representing owners' rights groups and "responsible" dog ownership groups, breeders and kennel clubs, hunters, and farmers. In the spirit of compromise, know which parts of your ordinance are vital which ones can be changed or be set aside, if needed. If possible, meet with the people who oppose the ordinance to understand their concerns and mitigate them, if possible.

**Here are some common arguments against tethering bills and effective responses:**

### "What's wrong with the current statewide tethering law in Texas?"

To our knowledge, there has never been a citation issued under this state law. Many animal control officers have, for all practical purposes, given up on issuing tethering violations under this law because the law is incredibly difficult to enforce. That's because a citation cannot be issued until twenty-four hours after the owner is informed of the violation. Owners who habitually violate the statute will temporarily fix the violation so there is no grounds for the officer to issue the citation. Enforcing the state law is therefore inefficient and impractical for officers.

Additionally, the state law allows for inhumane tethering with only a few exceptions: (i) during the hours of ten p.m to six a.m.; (ii) in a location within 500 feet of a school; or (iii) in cold weather below thirty-two degrees or during a heat advisory or storm warning (which is undefined).



**“We are a country founded on freedom and personal rights; don’t tell me how to raise my dog.”**

Part of our social contract is to accept laws that are for the common good. One of our shared values is the humane treatment of animals, which includes providing food, water, shelter, and relief from unnecessary pain or suffering. This law would encourage that humane behavior of all our community members.

**“A tether doesn’t mean a dog is neglected. A dog could be just as neglected behind a fence. Removing chaining won’t stop neglect and we already have laws for that.”**

It’s true that a tethering ordinance will not solve all the problems dogs face, but it is part of a long-term solution and, over time, it will help improve dogs’ lives in the community.

**“What about the elderly lady who ties her dog to the front porch while she is gardening?”**

This type of situation should be an exemption in your ordinance. Your ordinance will be driven by complaints made to law enforcement or animal control, and very few (if any) people are going to complain about this situation. And officers are empowered to make judgment calls and give people time to correct situations. They know the difference between a cruel situation and one where the people just need a little support and information.

**“Why not ban tethering altogether?”**

The ideal situation for dogs is a life indoors, with the companionship, care, and exercise they need. However, dogs are tethered for a variety of reasons across our diverse state. For example, some pet owners don’t have a fenced yard, or a landlord will not allow the pet owner to keep the dog indoors or install a fence. A ban could also result in unintended consequences, such as a dog being locked for hours in an airline crate, or under-resourced individuals losing or having to relinquish their pets, while shelter overpopulation is already a problem in these areas. For these and other reasons, an outright ban may not be palatable for many municipalities.

There is an old saying among lobbyists and politicians: “Don’t let perfection get in the way of progress.” Incremental change is the pathway to fundamental change, since resources, education and politics will grow in the right direction.

## 8. Testify

If your city or town council calls a public meeting to discuss your proposal, you should testify and get members of your team to testify with you. As much as chaining is bad for dogs, you need to emphasize that it’s also bad for people. While every community is different, the odds are that someone in your area will oppose any kind of restrictions on chaining. Be sure the sponsor of your ordinance is prepared for likely opposition before the ordinance is introduced. And plan ahead of time to make sure that everyone on your team doesn’t speak on the exact same points (a common problem at public hearings).





## 9. Regroup after defeat

You may not win on the first try, but don't give up. Maybe your council wasn't ready for this particular issue right now. Talk to the council members who voted against your bill and find out why. You can learn a lot from this experience and get the tools you need to pass a better bill in the future.

## 10. Celebrate victory!

You have accomplished something great, so be proud of all of your hard work! Once the ordinance has passed, stay in touch with your law enforcement and/or animal control agency to find out how you might be able to help get the word out. Continue working with members of your team to make a plan to get dogs off their chains!



# SAMPLE ORDINANCES

## Total Ban:

Corpus Christi, TX, Sec. 6-162 – Tethering dogs and other animals.

It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal. This section does not apply to any animal that is restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar.

## Ban Except When Owner is Outside and Present:

Dallas, TX, Sec. 7-4.7. Tethered Dogs.

- (a) An owner of a dog commits an offense if he tethers the dog or allows the dog to be tethered in any manner or by any method that:
  - (1) allows the dog to leave the premises owned, leased, or occupied by the dog's owner;
  - (2) allows the dog to become entangled;
  - (3) does not allow the dog access to food, water, and appropriate shelter if outside; or
  - (4) does not meet the requirements for tethering a dog under Subsection(b) of this section.
- (b) The following requirements apply to a dog tethered within the city:
  - (1) The dog must be properly fitted with and wearing a harness or collar made of leather or nylon.
  - (2) The tether must be attached to the dog's harness or collar and not directly to the dog's neck.
  - (3) The tether must be at least 10 feet long. (Ord. Nos. 26024; 27250)

Greenville, TX, Sec. 4.03.007. Tethering prohibited.

- a) It shall be unlawful for an owner or keeper of a dog to restrain the animal by means of a tether.
- (b) A violation of this section shall not occur when:
  - (1) The animal is being restrained for veterinarian treatment, grooming, training or law enforcement activity.
  - (2) The owner or keeper is in the physical presence of the animal.
  - (3) The owner or keeper is walking the dog with a handheld leash.
- (c) Nothing in this section authorizes a dog's owner or keeper to allow a dog to run at large or to fail to provide an appropriate restraint or enclosure as required by this article.

Nassau Bay, TX, Section 3-15. Tethering.

- (a) Any person owning and/or controlling dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall not allow said animal to be tied or chained to a fixed object.
- (b) No person shall at any time fasten, chain, or tie any dog or cause such dog to be fastened, chained, or tied while such dog is on the owner's property, or on the property of dog owner's landlord, or on any property within the territorial limits of the City of Nassau Bay.
- (c) Any dog confined within a fenced yard must have a minimum exercise area of one hundred (100) square feet per dog. Provided further that where dogs are kept or housed on a single-family residential property without a fenced yard, the owner or persons having custody of such dogs shall provide an enclosure for such dogs meeting the one hundred (100) square feet per dog dimensions. Such enclosure shall be constructed of chain link or similar type materials with all four (4) sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with materials to provide the dog with shade and protection from the elements.
- (d) Nothing in this section shall be construed to prohibit owners or others from walking dogs with a handheld leash or temporarily tethering their dog so long as the owner is immediately present and the animal is not left unattended for no more than five (5) minutes while tethered.
- (e) Nothing in this section shall be construed to prohibit owners from allowing dogs to be attached to overhead runs (i.e. leash or chain attached to an overhead wire at least ten (10) feet long that allows the dog to move unheeded).

Penalty for violation. Any person who violates any of these regulations shall be guilty of a misdemeanor and subject to a fine not to exceed the maximum allowable by law.

Enforcement. Police officers and the city's animal control officer shall the power and authority to enforce the provisions of this chapter. (Ord. No. 2010-661, 2-8-10)

## **Humane Standards:**

Houston, TX, Sec. 6-7.13

No person may restrain a dog by a tether that:

- (a) Is less than ten feet in length or five times the length of the dog measured from nose to the base of the tail, whichever is longer; or
- (b) Due to the weight of the tether itself, causes injury or visible discomfort to the dog.



# SAMPLE TESTIMONY

## Shannon Sims, Animal Care Services Assistant Director for the City of San Antonio

"Animals that have been chained for the existence of their lives tend to show a higher potential for being involved in aggressive behavior so this also supports community safety. As we do see, animals that get off of chains do tend to be more aggressive than a typical animal."

He spoke of a case where they found a forty-pound dog tethered with a chain that weighed forty-five pounds and was immobile.

"Now imagine, there are thousands of animals throughout the state of Texas that aren't fortunate enough to have laws like in Plano and San Antonio and the officers in those areas do not have the capability to get animals off of chains. Had we not had a law like the one we do in San Antonio that dog would have stayed in those conditions for the remainder of his life."

"Typically, you have individuals that say 'this is my security system' or they obtain a dog and want it to be tough, to strengthen the animal for fighting. The owners want the dog to be large, bulky, and strong. They chain puppies."

## Arturo "Art" Munoz Jr., Chief Investigator, SPCA of Texas

"I am a good witness to how the current tethering law isn't working because I have worked animal cruelty cases all over Texas and in reference to tethering, what I have noticed is embedded collars. An embedded collar is where an owner will wrap a chain around a dog's neck and when it becomes embedded and it is incredibly painful. In the last year, close to 1,000 of the 2500 animals that I seized are tethered inhumanely.

I worked a cruelty case in South Dallas, and we seized a dog that had a chain wrapped around his neck that was rubbing his neck raw. The dog was malnourished also. It was obvious that every time the dog moved, he was in pain. We actually got to that dog in time, but many we don't. A lot of these cruelty cases would be remedied if this bill passed."