

Town of Amherst, MA Fall Town Meeting 2010
Proposed Dog Protection Bylaw: Article 13–Dog Welfare
Background information prepared by Amy Vickers (Oct. 21, 2010)

Objectives of Article 13–Dog Welfare

- **Enable the Amherst animal welfare officer and police department to take appropriate action when responding to reports of inhumane dog tethering or unfit dog confinement conditions.** Currently the town has no authority, in most instances, to intervene and help a dog that is permanently or almost always chained up or confined in bad conditions.
- **Protect dogs at risk or facing immediate danger.** Dogs kept in chains and similar cruel tethering devices and unfit containment areas are dogs that are suffering from neglect and often abuse. Such dogs are also vulnerable to attack by other dogs and animals.
- **Protect people, particularly children.** Chained dogs are prone to become highly aggressive and are more likely to bite and attack, such as when children unwittingly go to pet them or the dog breaks free and starts to roam.
- **Educate the public.** If adopted, this bylaw would be a tool for the Amherst animal welfare officer, police and others to educate dog owners and the public on humane and appropriate dog tethering and confinement practices. The result: happier and healthier dogs and a safer community for all.

Background

Over 100 U.S. communities and cities—including Greenfield and East Longmeadow¹—and several states² have established local ordinances to protect dogs from abuse and neglect by establishing the acceptable conditions under which dogs may be tethered and confined.

The many dog tethering laws that have been established demonstrate that there is ample precedence—and sadly, much need—to set clear definitions on the conditions and time limits for which dogs may be humanely tethered and confined.

Overview of Article 13–Dog Welfare

A. Prolonged Chaining or Tethering of Dogs is Prohibited

–Tethering allowed maximum 8 hours per day; Tethers must be designed for dogs (i.e., no heavy chains)

B. Permissible Outside Confinement

–Pen or secure enclosure with adequate exercise area

–Fully fenced or electronic fence

–Trolley system or tether attached to a pulley on a cable run

C. Access to Water and Shelter

–Clean water; Protection from elements; water, ice and waste drainage

D. No Outside Confinement at Night (11 pm to 7 am)

E. Exceptions: kennels and working dogs

F. Cruel Conditions and Inhumane Chaining/Tethering are Prohibited

–Filthy and dirty confinement conditions and circumstances that could harm a dog’s physical or emotional health

–Taunting, prodding, hitting, harming, harassing or threatening a dog

–Subjecting a dog to dangerous conditions, e.g., attack by other animals or dogs

G. Violations and Penalties

- 1st: Warning option, otherwise \$50; 10-day remediation allowance
- 2nd: \$100; 10-day remediation allowance
- 3rd: \$300, potential impoundment
- **Motion filed October 14th**
- Deletion of 8-hour limit on outside confinement (7 am to 11 pm OK)
- No change to 8-hour/day limit on tethering*

Process for Development of Article 13

Considerable research and discussions with numerous dog behavior specialists, animal shelter managers, and anti-cruelty advocates formed the basis for the specifications set forth in Article 13. In particular, these individuals provided very helpful guidance:

- Carol Hepburn, Amherst Animal Welfare Officer
- Leslie Harris, Executive Director, Dakin Pioneer Valley Humane Society
- Linda Huebner, Deputy Director, Massachusetts Society for the Prevention of Cruelty to Animals
- Adam Goldfarb, Director, Pets at Risk Program, Humane Society of the U.S.

Frequently Asked Questions

1. **“Why do we need a dog protection bylaw in a nice town like Amherst—is anybody here mistreating their dog?”** Sadly, like domestic violence, animal abuse crosses all socioeconomic and cultural lines. This bylaw will provide reasonable protection for mistreated dogs reported to the police.
2. **“Will this bylaw increase the town’s animal welfare enforcement costs?”** No. The bylaw is designed for complaint-driven incidents of dog mistreatment. Penalties are set for violations.
3. **“What else will this bylaw accomplish?”** Public education! Some people who improperly tie-up dogs don’t understand the harm they cause. This bylaw provides clear standards for humane tethering and confinement.

Additional information

- Amherst Fall Special TM; Background information and photos on Article 13, Dog Welfare, <http://www.amherstma.gov/DocumentView.aspx?DID=3947>
- USA Today: “Laws, animal rights groups take stand against dogs in chains,” Feb. 23, 2010, http://www.usatoday.com/life/lifestyle/pets/2010-02-24-chain24_ST_N.htm
- Unchain Your Dog, <http://www.unchainyourdog.org/>
- Dogs Deserve Better, <http://dogsdeservebetter.org/index.html>
- Animal Legal & Historical Center, Michigan State University College of Law, Animal Legal & Historical Center, <http://www.animallaw.info/>

¹ Unchain Your Dog.org, “Anti-Chaining Laws,” <http://www.unchainyourdog.org/Laws.htm>

² Animal Legal & Historical Center, “Overview of State Dog Tethering Laws,” 2010, <http://www.animallaw.info/articles/ovustetherlaws.htm>

Laws, animal rights groups take stand against dogs in chains

Updated 2/23/2010 8:49 PM

By Sharon L. Peters Special for, USA TODAY



By Tamira Thayne

Magnum spent years living on a chain in Pennsylvania, until his owner surrendered him to Tamira Thayne, founder of Dogs Deserve Better, a group devoted to getting dogs off chains.

A long-practiced custom — chaining up a dog outside, where it spends most of its life — seems to be inching its way toward unacceptability.

Passionate arguments by grass-roots groups, animal welfare organizations and animal lovers have reached the ears and altered the habits of many dog owners in recent years, and now lawmakers are

responding.

PAW PRINT POST: [New bill proposes registry to track animal abusers](#)

"Stabbing into a long-standing societal practice is never easy," says animal behaviorist Stephen Zawistowski of the [American Society for the Prevention of Cruelty to Animals](#), which, like many welfare groups, has been steering dog owners away from chaining.

Thirteen states, including California, [Vermont](#), Texas and [Maryland](#), have passed laws restricting tethering or chaining, according to the Animal Law Coalition, and bills are being considered now in seven more states. Most of the state laws restrict the manner in which dogs are chained (requiring shelter, for example, and minimum tether lengths); most proposed new bills set similar restrictions and limit the hours a dog is chained.

A bill proposed in Illinois, however, would be the strictest state-level law if it passed — the first requiring that any time a dog is tethered, it be visible to its owner.

Scores of communities also have passed their own laws. A few, including [Miami/Dade County, Fla.](#); [Ashville, N.C.](#); and Fort Worth, have passed laws banning all unattended tethering. Some, like Little Rock, ban unattended tethering to stationary objects such as trees, but not to cables and pulley systems. And some ban tethering during certain hours or for long periods.

'It's easy to forget them'



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Having a chained-up "outside dog" was common in earlier decades. But constantly tethered dogs are at far greater risk of strangling or injuring themselves; illness or painful conditions are rarely discovered early; dogs grow frustrated from isolation, insufficient exercise and inability to flee from ill-intentioned people or animals; and they're more apt to bite or kill than untethered dogs, studies show. Moreover, says Adam Goldfarb of the [Humane Society of the United States](#), "When they're out there, it's easy to forget them." They're often underfed and parasite-ridden, and lack water and shelter.

The surge in anti-tethering laws occurred quietly and quickly. Six or eight years ago, only a few were on the books, but in "2005 to 2006," says ALC founder Laura Allen, "several suddenly emerged" — though, she points out, the trend has been to pass tethering laws with few restrictions first, then move to more restrictive ones.

Indeed, says Goldfarb, "some of the laws are very modest." And proponents say much remains to be done to change long-held ideas.

Anti-chaining group takes action

"There are still thousands and thousands of dogs leading isolated lives on chains," says Tamira Thayne, who founded the non-profit anti-chaining group Dogs Deserve Better in Pennsylvania and is regarded by some as the godmother of anti-tethering public awareness. She has twice been convicted of breaking the law while checking out calls about chained dogs, including last week, when she was convicted of defiant trespass for taking food, water and bedding straw to what she described as two "very underfed" dogs chained to doghouses when the wind chill was minus-11 degrees.

Dogs Deserve Better has grown to 121 area reps in several states, and the group receives almost 900 e-mails a week from people seeking advice on how to drum up support for local anti-tethering laws or asking how to get animal control to respond to chained-dog complaints.

Many imagine tethering to be mostly a rural practice, but that isn't the case, Zawistowski says. Urban dogs are often chained to fire escapes and porches; some country dogs are chained, "but I see it primarily as a suburban practice." And owners, he says, usually offer the same explanation: "My family always tethered their dogs, I've always tethered my dogs and they've been fine."

But today, "our understanding of animal behavior and care has advanced," Zawistowski says.

Laws won't completely abolish tethering, partly because enforcement requires manpower, experts say.

But another reality is the "chasm between those who view dogs as part of the family and those who have a more utilitarian view of them," Goldfarb says.

Still, many believe, as Zawistowski does, that when laws are proposed, important conversations take place: "Key questions surrounding tethering laws are starting to bring out what we need to bring out."

Mom Dilemma #36:
Your daughter insists on wearing her princess costume to the grocery store. Allow it or not?

YES, at least she's dressed!

NO, I have some rules!

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