



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5195/1
CMH:skw

2019 ASSEMBLY BILL 760

January 21, 2020 - Introduced by Representatives L. MYERS, STEFFEN, SINICKI, SUBECK, EMERSON, ANDERSON, VRUWINK, C. TAYLOR, ZAMARRIPA, BOWEN, STUCK and STUBBS, cosponsored by Senators SMITH, HANSEN, CARPENTER, RISSER and LARSON. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT to repeal** 951.14 (2) (b) 1. (title) and 951.14 (2) (b) 2.; **to renumber** 951.14
2 (2) (b) 1.; **to amend** 951.14 (intro.), 951.14 (2) (intro.) and 951.14 (3) (intro.); and
3 **to create** 951.14 (1m), 951.14 (3m) and 951.14 (5) of the statutes; **relating to:**
4 standards for care and shelter of animals and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates standards for the shelter, tethering, and transportation of animals. Specifically, with regard to shelter for dogs, the bill provides that dog houses must rest on a flat, solid floor that is at least four inches high, must provide enough room for the dog to stand, sit, turn around, or lie flat, must be windproof, must be shaded from direct sunlight, and must be surrounded by a reasonably dry and clean area. With regard to tethering dogs, the bill provides that dogs may not be tethered outside during extreme weather or in unsafe or unsanitary conditions, for such an unreasonable amount of time that it affects the dog's well-being, or for more than ten hours in a 24-hour period; a person must be on or near a property where a dog is tethered; a tether may not weigh more than 15 percent of the dog's weight, the tether must be the longer of 12 feet or four times the length of the dog, and the collar used may not be improperly fitted nor a prong, pinch, or choke collar; and a vicious, dangerous, or sick, pregnant, or nursing dog, or a dog that is under the age of five months, may not be tethered. With regard to the transportation of animals, the bill requires a person to crate or restrain an animal being transported in the bed of a truck on public roads or lands in a manner that ensures the animal cannot fall or jump or be strangled.

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The penalty for violating a standard created in the bill is the same penalty for violating a current law standard of proper shelter for an animal. A person who violates a standard is subject to a forfeiture of up to \$500 except that, if a person violates the standard within three years after receiving an abatement order from a humane officer regarding that standard, that person is subject to a forfeiture of up to \$10,000 and except that a person who intentionally or negligently violates a standard is guilty of a Class A misdemeanor. The penalty for a Class A misdemeanor is a fine of up to \$10,000 or imprisonment for up to nine months, or both.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 951.14 (intro.) of the statutes is amended to read:

2 **951.14 Providing proper care and shelter.** (intro.) No person owning or
3 responsible for confining or impounding any animal may fail to provide the animal
4 with proper care and shelter as prescribed in this section. In the case of farm
5 animals, nothing in this section shall be construed as imposing shelter requirements
6 or standards more stringent than normally accepted husbandry practices in the
7 particular county where the animal or shelter is located. The following standards
8 apply:

9 **SECTION 2.** 951.14 (1m) of the statutes is created to read:

10 **951.14 (1m) DOG HOUSE STANDARDS.** The following standards with respect to a
11 shelter for a dog apply:

12 (a) No person may put a dog in a shelter if any of the following applies:

13 1. The shelter does not rest on a flat, solid floor that is at least 4 inches in height.

14 2. The size of the shelter does not allow the dog to easily stand, sit, turn around,
15 or lie flat or the shelter is not an appropriate size for the dog to retain a comfortable
16 body heat.

17 3. The shelter does not have a solid floor that is covered with bedding that is
18 dry, clean, and safe for the dog.

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1 4. The roof or sides of the shelter are not waterproof and windproof.

2 (b) The shelter shall have a baffle or flap, consisting of material or a structure,
3 that protects the dog from the weather.

4 (c) For purposes of setbacks, the shelter is considered a structure.

5 (d) The shelter shall be shaded from direct sunlight.

6 (e) The area around the shelter must be reasonably dry and clean, without
7 standing water, mud, or excrement.

8 (f) The minimum outdoor dog run enclosure size shall be at least 100 square
9 feet and strong enough to contain the dog.

10 **SECTION 3.** 951.14 (2) (intro.) of the statutes is amended to read:

11 951.14 (2) **OUTDOOR STANDARDS.** (intro.) Minimum outdoor standards of shelter
12 for animals other than dogs shall include:

13 **SECTION 4.** 951.14 (2) (b) 1. (title) of the statutes is repealed.

14 **SECTION 5.** 951.14 (2) (b) 1. of the statutes is renumbered 951.14 (2) (b).

15 **SECTION 6.** 951.14 (2) (b) 2. of the statutes is repealed.

16 **SECTION 7.** 951.14 (3) (intro.) of the statutes is amended to read:

17 951.14 (3) **SPACE STANDARDS.** (intro.) Minimum space requirements for both
18 indoor and outdoor enclosures for animals other than dogs shall include all of the
19 following:

20 **SECTION 8.** 951.14 (3m) of the statutes is created to read:

21 951.14 (3m) **DOG TETHERING STANDARDS.** Unless the dog is attended and
22 engaged in leash walking or recreational, hunting, or farming activities, the
23 following standards with respect to tethering dogs apply:

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1 (a) *Extreme weather.* No person may tether a dog outside during extreme
2 weather, during a weather advisory, when a dangerous storm is approaching, or
3 during extreme temperatures.

4 (b) *Unsafe or unsanitary conditions.* No person may tether a dog in unsafe or
5 unsanitary conditions or in conditions under which the dog lacks sufficient area to
6 defecate or urinate separate from the areas where the dog eats, drinks, or lies down.

7 (c) *Negative effect on dog.* No person may tether a dog for such an unreasonable
8 amount of time that it affects the dog's well-being, and no person may tether a dog
9 for more than a total of 10 hours in a 24-hour period.

10 (d) *Proximity of carer to tethered dog.* If a dog is tethered, a person who can
11 reasonably care for the dog must be on or near the property where the dog is tethered.

12 (e) *Vacant property.* No person may tether a dog on vacant or uninhabited
13 property.

14 (f) *Tether weight.* No person may tether a dog using a tether that weighs more
15 than 15 percent of the weight of the dog.

16 (g) *Attachment restrictions.* No person may tether, fasten, chain, tie, or restrain
17 a dog to any stationary or weighted object under circumstances that may endanger
18 the dog's health, safety, or well-being or to any vehicle.

19 (h) *Tether construction.* No person may tether a dog unless the tether is of a
20 lightweight cable or chain and of adequate strength to hold the dog tethered and each
21 end of the tether has a swivel to prevent the dog from becoming entangled.

22 (i) *Tether length.* No person may tether a dog unless the tether is at least the
23 longer of 12 feet or 4 times the length of the dog, from the tip of its nose to the base
24 of its tail.

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1 (j) *Tether position and access.* No person may tether a dog unless the tether is
2 positioned so it does not become entangled with other objects that may strangle the
3 dog or cause the dog to be unable to reach a feeding area, potable water, shelter,
4 shade, or dry ground.

5 (k) *Collars on tethered dogs.* No person may tether a dog using a prong, pinch,
6 or choke collar; using an improperly fitted collar; using a leather collar that is less
7 than one inch in width if the dog is large; or using a collar that is not the strength
8 and width that is appropriate for the size of the dog.

9 (L) *Age of tethered dog.* No person may tether an unattended dog that is under
10 the age of 5 months old.

11 (m) *Trespassing.* No person may tether a dog in a manner that permits the dog
12 to trespass on neighboring properties, encroach upon a public thoroughfare, or be
13 closer than 6 feet to any sidewalk.

14 (n) *Adjacent to other dogs.* No person may tether more than one dog on a tether
15 nor tether a dog such that it may go within 3 feet of another tethered dog.

16 (o) *Condition of tethered dog.* 1. No person may tether a dog that is injured or
17 sick.

18 2. No person may tether a dog that is in heat, pregnant, or nursing.

19 (p) *Vicious tethered dog.* No person may tether outside a dog that is vicious or
20 dangerous.

21 (q) *Tethering to a device.* No person may tether a dog to a treadmill or other
22 mechanical device unless the tethering is as recommended by a veterinarian for
23 rehabilitation and the dog is under the constant supervision of a caregiver.

24 **SECTION 9.** 951.14 (5) of the statutes is created to read:

