

Delaware Considers Two Bills Affecting Dog Owners

Legislation targets dog licensing, housing size, and tethering limits.

Posted: July 24, 2009, 5 a.m. EDT

Delaware legislators have passed a measure that seeks to transfer control of the management of dog licenses from the state to individual counties. Legislators are also reconsidering laws that govern primary enclosures for dogs and tethering.

Under House Bill 233, which was recently passed by both the state House of Representatives and Senate, each county would be responsible for issuing the various dog licenses. Currently dog licenses are issued by the state Department of Natural Resources and Environmental Control.

The bill grants the counties the authority to determine license fees, appoint licensing agents, enact rules and regulations regarding licensing and provide applications for the following: Individual dog owner licenses; Retail dog outlet licenses; Kennel licenses.

A "retail dog outlet" is defined as "any premise where dogs are sold, offered or maintained for sale, on a retail basis."

Those who fail to obtain the appropriate dog license would be subject to a fine of at least \$50.

The bill, which has been sent to the governor to be signed, would go into effect Jan. 1, 2010.

In addition, Delaware legislators have introduced a measure that sets forth amendments pertaining to primary enclosures and tethering.

House Bill 293 establishes a formula for calculating the proper enclosure size for housing a dog. The required floor space is equal to: (length of dog in inches + 6) x (length of dog in inches + 6) x 2.

Size requirements do not apply to: Any dog temporarily kept in a smaller enclosure for purposes such as cratetraining, transportation, or pursuant to a veterinarian's order; Any office of a licensed veterinarian; Any temporary kennel facility where dogs are kept for grooming, boarding, training or other purposes for less than two consecutive weeks (as long as there is sufficient space to allow the dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position); A licensed retail dog outlet where dogs are kept on display to patrons of the retail dog outlet during its normal business hours (as long as there is sufficient space to allow the dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position).

The proposed measure also sets forth instances in which wire flooring may be used in primary enclosures.

HB 293 provides more detailed requirements for the tethering of dogs. The tether would have to be a minimum of either 10 feet-long or three times the length of the dog (which ever is shortest) and allow the dog convenient access to shade, shelter, food and spill-proof water containers.

Tethering would be prohibited under the following circumstances: If the tether and/or related attachment(s) is not appropriate for the animal's weight; If the tether is attached by means of a pinch-type, prong-type or choke-type collar, or if the collar is unsafe or is not properly fitted; If the tether inhibits the animal's free movement or causes injury or entanglement; If a dog is less than four months of age; Between the hours of 11:00 p.m. and 6:00 a.m.; unless the tether is used for less than a 15-minute period of time.