

1 § 365. SHELTER OF ANIMALS

2 (a) Adequate shelter. All livestock and animals that are to be predominantly
3 maintained in an outdoor area shall be provided with adequate natural shelter
4 or adequate constructed shelter to prevent direct exposure to the elements.

5 Pursuant to § 351b, this section shall not apply to livestock and poultry
6 husbandry practices for raising, management, and use of animals.

7 (b) Shelter for livestock.

8 (1) Livestock animals confined in enclosed areas shall be provided with
9 adequate ventilation and shall have access to adequate exercise. Equines
10 housed within a designated space continually, without access to a paddock,
11 turn out, or other exercise area, shall be provided the opportunity for periodic
12 exercise, either through free choice or through a forced work program, to
13 maintain normal muscle tone and mass for the age, size, and condition of the
14 animal or in accordance with accepted agricultural or veterinary practices.

15 Nothing in this section shall control dairy herd housing facilities, either loose
16 housing, comfort tie-stall, or stanchion lockups, or other housing under control
17 of the Agency of Agriculture, Food and Markets. ~~This subdivision shall not~~
18 ~~apply to any accepted housing or grazing practices for any livestock industry.~~

19 (2) Notwithstanding the provisions of subdivision (1) of this subsection,
20 livestock may be temporarily confined in a space sufficient for them to stand
21 and turn about freely, provided that they are exercised in accordance with

1 livestock and poultry husbandry practices, and are provided sufficient food,
2 water, shelter, and proper ventilation.

3 (3) A leash, rope, or chain used to restrict a livestock animal shall be
4 affixed in a manner that prevents the livestock animal from becoming
5 entangled or injured and shall permit the livestock animal access to adequate
6 shelter, adequate food, and adequate water. This subdivision shall not apply to
7 a livestock animal that is in transit or in the immediate control of a person.

8 (c) Minimum size of living space; dogs and cats.

9 (1) A dog shall be provided a minimum living space that is large enough
10 to allow the dog, in a normal manner, to turn about freely, stand, sit, and lie
11 down. A dog shall be presumed to have minimum living space if provided with
12 floor space in the greater amount of the following:

13 (A) If the dog is:

14 (i) less than 33 pounds (15 kilograms), floor space of at least eight
15 square feet;

16 (ii) 33 or more pounds (15 or more kilograms) up to and including
17 66 pounds (30 kilograms), floor space of at least 12 square feet; and

18 (iii) more than 66 pounds (30 kilograms), floor space of at least 24
19 square feet.

20 (B) Floor space in square footage calculated according to the
21 following formula: floor space in square feet = (length of dog in inches + 6) ×

1 (length of dog in inches + 6) ÷ 144. The length of the dog in inches shall be
2 measured from the tip of the nose of the dog to the base of its tail.

3 (2) The specifications required by subdivision (1) of this subsection shall
4 be required for each dog, regardless of whether the dog is housed individually
5 or with other animals.

6 (3)(A) A cat over the age of two months shall be provided a minimum
7 living space that is large enough to allow the cat, in a normal manner, to turn
8 about freely, stand, sit, and lie down. A cat shall be presumed to have
9 minimum living space if provided with floor space of at least eight square feet
10 and a primary structure of at least 24 inches in height. Floor space shall be
11 calculated to include any raised resting platforms provided.

12 (B) The requirements of this subdivision (c)(3) shall apply to each cat
13 regardless of whether the cat is housed individually or with other animals.

14 (4)(A) Each female dog with nursing puppies shall be provided the living
15 space required under subdivision (1) of this subsection (c) plus sufficient
16 additional floor space to allow for a whelping box and the litter, based on the
17 size or the age of the puppies. When the puppies discontinue nursing, the living
18 space requirements of subdivisions (1) and (2) of this subsection shall apply
19 for all dogs housed in the same living space.

20 (B) Each female cat with nursing kittens shall be provided the living
21 space required under subdivision (3) of this subsection (c) plus sufficient

1 additional floor space to allow for a queening box and the litter, based on the
2 size or the age of the kittens. When the kittens discontinue nursing, the living
3 space requirements of subdivision (3) of this subsection shall apply for all cats
4 housed in the same living space.

5 (5)(A) Females in heat (estrus) shall not be housed in the same primary
6 living space or enclosure with intact males, except for breeding purposes.

7 (B) A dog or cat exhibiting a vicious or overly aggressive disposition
8 shall be housed separately from other dogs or cats.

9 (6) All dogs or cats shall have access to adequate water and adequate
10 food.

11 (d) Daily exercise; dogs or cats. A dog or cat confined in a living space
12 shall be permitted outside the living space for an opportunity of at least one
13 hour of daily exercise, unless otherwise modified or restricted by a licensed
14 veterinarian. Separate space for exercise is not required if an animal's living
15 space is at least three times larger than the minimum requirements set forth in
16 subdivision (c)(1) of this section.

17 (e) Shelter for dogs maintained outdoors in enclosures.

18 (1) Except as provided in subdivision (2) of this subsection, a dog or
19 dogs maintained outdoors in an enclosure shall be provided with one or more
20 shelter structures. A shelter structure shall:

1 (A) Provide each dog housed in the structure sufficient space to, in a
2 normal manner, turn about freely, stand, sit, and lie down.

3 (B) Be structurally sound and constructed of suitable, durable
4 material.

5 (C) Be enclosed with sides, a roof, and a ground or floor surface that
6 enables the dog to stay clean and dry.

7 (D) Have an entrance or portal large enough to allow each dog housed
8 in the shelter unimpeded access to the structure, and the entrance or portal shall
9 be constructed with a windbreak or rainbreak.

10 (E) Provide adequate protection from cold and heat, including
11 protection from the direct rays of the sun and the direct effect of wind, rain, or
12 snow. Shivering due to cold is evidence of inadequate shelter for any dog.

13 (2) A shelter structure is not required for a healthy livestock guardian
14 dog that is maintained outdoors in an enclosure.

15 (3) If multiple dogs are maintained outdoors in an enclosure at one time:

16 (A) Each dog will be provided with an individual structure, or the
17 structure or structures provided shall be cumulatively large enough to contain
18 all of the dogs at one time.

19 (B) A shelter structure shall be accessible to each dog in the
20 enclosure.

1 (4) The following categories of dogs shall not be maintained outdoors in
2 an enclosure when the ambient temperature is below 50 degrees Fahrenheit:

3 (A) dogs that are not acclimated to the temperatures prevalent in the
4 area or region where they are maintained;

5 (B) dogs that cannot tolerate the prevalent temperatures of the area
6 without stress or discomfort; and

7 (C) sick or infirm dogs or dogs that cannot regulate their own body
8 temperature.

9 (5) Metal barrels, cars, refrigerators, freezers, and similar objects shall
10 not be used as a shelter structure for a dog maintained in an outdoor enclosure.

11 (6) In addition to the shelter structure, one or more separate outdoor
12 areas of shade shall be provided, large enough to contain all the animals and
13 protect them from the direct rays of the sun.

14 (f) Tethering of dog.

15 (1) Except as provided under subdivision (2) of this subsection, a dog
16 predominantly maintained outdoors on a tether shall be on a tether that allows
17 the dog to walk a distance in any one direction that is at least four times the
18 length of the dog as measured from the tip of its nose to the base of its tail, and
19 shall allow the dog access to the shelter.

20 (2)(A) A dog regularly used in training or participation in competitive or
21 recreational sled dog activities and housed outdoors in close proximity with

1 other dogs may, if necessary for the safety of the dog, be maintained on a
2 tether that allows the dog to walk a distance in any one direction that is at least
3 two times the length of the dog, as measured from the tip of its nose to the base
4 of its tail. The tether shall be attached to the anchor at a central point, allowing
5 the dog access to a 360 degree area.

6 (B) If a tethering method involves the use of a trolley and cable and
7 allows the dog to move freely along the length of the cable, the tether shall be
8 long enough to allow the dog to lie down within its shelter without discomfort.

9 (3) A tether used for any dog shall be attached to both the dog and the
10 anchor using swivels or similar devices that prevent the tether from becoming
11 entangled or twisted. The tether shall be attached to a well-fitted collar or
12 harness on the dog. The tether shall be of a size and weight that will not cause
13 discomfort to a tethered dog. A choke collar shall not be used as part of a
14 tethering method.

15 (g), (h) [Repealed.]

16 (i) Violations. Failure to comply with this section shall be a violation of
17 subdivision 352(3) or (4) of this title.

18 (j) [Repealed.]

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4 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE