

1 Introduced by Representative Bartholomew of Hartland

2 Referred to Committee on

3 Date:

4 Subject: Crimes and criminal procedure; humane treatment of animals; shelter
5 of dogs and cats

6 Statement of purpose of bill as introduced: This bill proposes to amend the
7 requirements for the humane shelter of dogs and cats.

8 An act relating to adequate shelter of dogs and cats

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 13 V.S.A. § 365 is amended to read:

11 § 365. SHELTER OF ANIMALS

12 (a) Adequate shelter. All livestock and animals ~~which~~ that are to be
13 predominantly maintained ~~out-of-doors must~~ in an outdoor area shall be
14 provided with adequate shelter to prevent direct exposure to the elements.

15 (b) Shelter for livestock.

16 (1) Adequate natural shelter, or a three-sided, roofed building with
17 exposure out of the prevailing wind and of sufficient size to adequately
18 accommodate all livestock maintained ~~out-of-doors~~ in an outdoor area shall be
19 provided. The building opening size and height ~~must~~ shall, at a minimum,
20 extend one foot above the withers of the largest animal housed and ~~must~~ shall

1 be maintained at that level even with manure and litter build-up. Nothing in
2 this section shall control dairy herd housing facilities, either loose housing,
3 comfort stall, or stanchion ties, or other housing under control of the
4 ~~department of agriculture, food and markets~~ Agency of Agriculture, Food and
5 Markets. This section shall not apply to any accepted housing or grazing
6 practices for any livestock industry.

7 (2) Notwithstanding the provisions of subdivision (1) of this subsection,
8 livestock may be temporarily confined in a space sufficient for them to stand
9 and turn about freely, provided that they are exercised in accordance with
10 accepted agricultural or veterinarian practices, and are provided sufficient
11 food, water, shelter, and proper ventilation.

12 (c) Minimum living space; dogs and cats.

13 (1) A dog, ~~whether chained or penned, housed in an enclosure~~ shall be
14 provided adequate living space ~~no less than three feet by four feet for 25 pound~~
15 ~~and smaller dogs, four feet by four feet for 26-35 pound dogs, four feet by five~~
16 ~~feet for 36-50 pound dogs, five feet by five feet for 51-99 pound dogs, and six~~
17 ~~feet by five feet for 100 pound and larger dogs~~ that is large enough to allow the
18 dog to sit, stand, lie in a normal manner, and turn about freely. A dog shall be
19 presumed to have adequate living space if provided with the floor space in
20 square footage calculated according to the following formula: Floor space in
21 square feet = (length of dog in inches + 6) x (length of dog in inches + 6) ÷

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

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

6 (3) A cat, over the age of two months, shall be provided minimum living
7 space of nine square feet, provided the primary structure shall be constructed
8 and maintained so as to provide sufficient space to allow the cat to turn about
9 freely, stand, sit, and lie down. Each primary structure housing cats shall be at
10 least 24 inches high. These specifications shall apply to each cat regardless of
11 whether the cat is housed individually or with other animals.

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

19 (5) Dogs or cats that are housed in the same primary living space or
20 structure shall be compatible, as determined by observation, provided that:

1 (A) Females in heat (estrus) shall not be housed in the same primary
2 living space or structure with males, except for breeding purposes.

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

5 (6) All dogs or cats shall have easy and convenient access to clean water
6 and food.

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

13 (e) Dogs maintained in an outdoor area.

14 (1) A dog or dogs maintained out-of-doors must in an outdoor area shall
15 be provided with suitable housing that assures that the dog is protected from
16 wind and draft, and from excessive sun, rain and other environmental hazards
17 throughout the year a primary with one or more shelter structure structures. A
18 shelter structure shall:

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

1 (B) Be structurally sound and constructed of suitable, durable
2 material.

3 (C) Have four sides, a roof, and a floor.

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

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

10 (F) Contain clean, dry bedding material if the ambient temperature is
11 below 50 degrees Fahrenheit.

12 (2) If multiple dogs are maintained in an outdoor area at one time:

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

16 (B) A shelter structure shall be accessible to each dog in the outdoor
17 area.

18 (3) The following categories of dogs shall not be maintained in an
19 outdoor area when the ambient temperature is below 50 degrees Fahrenheit:

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

1 (B) dogs that cannot tolerate the prevalent temperatures of the area
2 without stress or discomfort, such as shorthaired dogs in a cold climate; and

3 (C) sick or infirm dogs or dogs that cannot regulate their own body
4 temperature.

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

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

10 (f) Tethering of dog. A dog chained to a shelter ~~must~~ shall be on a tether
11 chain at least four times the length of the dog as measured from the tip of its
12 nose to the base of its tail, and shall allow the dog access to the shelter. The
13 chain or tether shall be attached to both the dog and the anchor using swivels
14 or similar devices that prevent the chain or tether from becoming entangled or
15 twisted. The chain or tether shall be attached to a well-fitted collar or harness
16 on the dog.

17 (g) ~~A cat, over the age of two months, shall be provided minimum living~~
18 ~~space of nine square feet, provided the primary structure shall be constructed~~
19 ~~and maintained so as to provide sufficient space to allow the cat to turn about~~
20 ~~freely, stand, sit, and lie down. Each primary enclosure housing cats must~~
21 shall be at least 24 inches high. These specifications shall apply to each cat

1 ~~regardless of whether the cat is housed individually or with other animals.~~

2 [Repealed.]

3 (h) ~~Notwithstanding the provisions of this section, animals may be~~
4 ~~temporarily confined in a space sufficient for them to stand and turn about~~
5 ~~freely, provided that they are exercised in accordance with accepted~~
6 ~~agricultural or veterinarian practices, and are provided sufficient food, water,~~
7 ~~shelter, and proper ventilation. [Repealed.]~~

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

10 (j) ~~Notwithstanding the provisions of this section, an animal may be~~
11 ~~sheltered, chained, confined, or maintained out of doors if doing so is directed~~
12 ~~by a licensed veterinarian or is in accordance with accepted agricultural or~~
13 ~~veterinarian practices. [Repealed.]~~

14 (k) Definition. As used in this section, “enclosure” means any structure or
15 device used to restrict an animal or animals to a limited amount of space,
16 including a room, pen, run, cage, compartment, pool, or hutch.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on