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H.484

Representative Bartholomew of Hartland moves that the House concur in the Senate proposal of amendment with the further proposal of amendment by striking out Sec. 26 in its entirety and inserting in lieu thereof the following:

Sec. 26. 13 V.S.A. § 365 is amended to read:

§ 365. SHELTER OF ANIMALS

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

(b) Shelter for livestock.

(1) Adequate natural shelter, or a three-sided, roofed building with exposure out of the prevailing wind and of sufficient size to adequately accommodate all livestock maintained ~~out of doors~~ in an outdoor area shall be provided. The building opening size and height ~~must~~ shall, at a minimum, extend one foot above the withers of the largest animal housed and ~~must~~ shall be maintained at that level even with manure and litter build-up. Nothing in this section shall control dairy herd housing facilities, either loose housing, comfort stall or stanchion ties, or other housing under control of the ~~department of agriculture, food and markets~~ Agency of Agriculture, Food and Markets. This section shall not apply to any accepted housing or grazing practices for any livestock industry.

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

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

7 (1) A dog housed in an enclosure, whether chained or penned inside or
8 in an outdoor area, shall be provided adequate living space ~~no less than three~~
9 ~~feet by four feet for 25 pound and smaller dogs, four feet by four feet for 26-35~~
10 ~~pound dogs, four feet by five feet for 36-50 pound dogs, five feet by five feet~~
11 ~~for 51-99 pound dogs, and six feet by five feet for 100 pound and larger dogs~~
12 that is large enough to allow the dog to sit, stand, lie in a normal manner, and
13 turn about freely. A dog shall be presumed to have adequate living space if
14 provided with the floor space in square footage calculated according to the
15 following formula: Floor space in square feet = (length of dog in inches + 6) x
16 (length of dog in inches + 6) ÷ 144. The length of the dog in inches shall be
17 measured from the tip of the nose of the dog to the base of its tail.

18 (2) The specifications required by subdivision (c)(1) of this section shall
19 ~~apply to be required for each dog~~ housed in an enclosure, regardless of whether
20 the dog is housed individually or with other animals.

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

7 (4) Each female dog with nursing puppies or female cat with nursing
8 kittens shall be provided with an additional amount of floor space based on the
9 breed of the dog or cat and behavioral characteristics, and in accordance with
10 general accepted husbandry practices.

11 (5) All dogs or cats housed in the same primary enclosure shall be
12 compatible, as determined by observation.

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

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

1 (e) Dogs maintained in an outdoor area.

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

7 (A) provide each dog housed in the structure sufficient space to sit,
8 stand, lie in a normal manner, and turn about freely;

9 (B) be structurally sound and constructed of suitable, durable
10 material;

11 (C) have four sides, a roof, and a floor;

12 (D) have an entrance or portal large enough to allow each dog housed
13 in the shelter unimpeded access to the structure, and the entrance or portal shall
14 be constructed with a windbreak or rainbreak;

15 (E) provide adequate protection from cold and heat, including
16 protection from the direct rays of the sun and the direct effect of wind, rain, or
17 snow. Shivering due to cold is evidence of inadequate shelter for any dog; and

18 (F) contain clean, dry bedding material if the ambient temperature is
19 below 50 degrees Fahrenheit.

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

1 (A) each dog will be provided with an individual structure, or the
2 structure or structures provided shall be cumulatively large enough to contain
3 all of the dogs at one time; and

4 (B) a shelter structure shall be accessible to each dog in the outdoor
5 area.

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

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

10 (B) breeds of dogs that cannot tolerate the prevalent temperatures of
11 the area without stress or discomfort, such as shorthaired breeds in cold
12 climate; and

13 (C) sick, infirm, aged, or young dogs.

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

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

19 (f) Tethering of dog. A dog chained to a shelter ~~must~~ shall be on a tether
20 chain at least four times the length of the dog as measured from the tip of its
21 nose to the base of its tail, and shall allow the dog access to the shelter. The

1 chain or tether shall be attached to both the dog and the anchor using swivels
2 or similar devices that prevent the chain or tether from becoming entangled or
3 twisted. The chain or tether shall be attached to a well-fitted collar or harness
4 on the dog.

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

11 [Repealed.]

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

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

19 (j) ~~Notwithstanding the provisions of this section, an animal may be~~
20 ~~sheltered, chained, confined, or maintained out of doors if doing so is directed~~

1 ~~by a licensed veterinarian or is in accordance with accepted agricultural or~~
2 ~~veterinarian practices.~~ [Repealed.]

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