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H.164

Introduced by Representative Viens of Newport City

Referred to Committee on

Date:

Subject: Crimes; animal cruelty; shelter

Statement of purpose of bill as introduced: This bill proposes to amend the requirements for the sheltering of dogs.

An act relating to adequate shelter for dogs housed outdoors

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

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

§ 365. SHELTER OF ANIMALS

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

(b) 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 shall be provided. The building opening size and height must, at a minimum, extend one foot above the withers of the largest animal housed and must be maintained at that level even with manure and litter build-up. Nothing in this section shall control

1 dairy herd housing facilities, either loose housing, comfort stall or stanchion  
2 ties, or other housing under control of the ~~department of agriculture, food and~~  
3 ~~markets~~ Agency of Agriculture, Food and Markets. This section shall not  
4 apply to any accepted housing or grazing practices for any livestock industry.

5 (c)(1) A dog, whether chained or penned, shall be provided living space no  
6 less than three feet by four feet for 25 pound and smaller dogs, four feet by  
7 four feet for 26-35 pound dogs, four feet by five feet for 36-50 pound dogs,  
8 five feet by five feet for 51-99 pound dogs, and six feet by five feet for 100  
9 pound and larger dogs. The shelter shall be constructed of materials with a  
10 thermal resistance factor of 0.9 or greater and shall contain clean bedding  
11 material sufficient to retain the dog's normal body heat.

12 (2) The specifications required by subdivision (c)(1) of this section shall  
13 apply to each dog, regardless of whether the dog is housed individually or with  
14 other animals.

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

1 (e) A dog maintained out-of-doors ~~must~~ shall be provided with suitable  
2 housing or shelter that ~~assures~~ ensures that the dog is protected from wind and  
3 draft, and from excessive sun, rain, and other environmental hazards  
4 throughout the year. The housing or shelter shall be fully enclosed except for a  
5 portal. The portal shall be of a sufficient size to allow the dog unimpeded  
6 passage into and out of the structure. The portal shall be constructed with a  
7 baffle or other means of keeping wind and precipitation out of the interior.  
8 Inadequate shelter may be indicated by the shivering of the dog due to cold  
9 weather for a continuous period of 10 minutes or by symptoms of frostbite or  
10 hypothermia. A metal barrel is not adequate shelter for a dog.

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

17 \* \* \*

18 (i) Failure to comply with this section shall be a violation of subdivision  
19 352(3) or (4) of this title.

20 (j) Notwithstanding the provisions of this section, an animal may be  
21 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.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on July 1, 2015.