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H.512

Introduced by Representative Bartholomew of Hartland

Referred to Committee on

Date:

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

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

An act relating to adequate shelter of dogs and cats

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

Sec. 1. 13 V.S.A. § 351 is amended to read:

§ 351. DEFINITIONS

As used in this chapter:

(1) “Animal” means all living sentient creatures, not human beings.

\* \* \*

(15) “Living space” means any cage, crate, or other structure used to  
confine an animal that serves as its principal, primary housing. Living space  
does not include a structure, such as a doghouse, in which an animal is not  
confined, or a cage, crate, or other structure in which the animal is temporarily  
confined.

1           (16) “Adequate food” means food that is not spoiled or contaminated  
2           and is of sufficient quantity and quality to meet the normal daily requirements  
3           for the condition and size of the animal and the environment in which it is  
4           kept. An animal shall be fed or have food available at least once each day,  
5           unless a licensed veterinarian instructs otherwise, or withholding food is in  
6           accordance with accepted agricultural or veterinarian practices.

7           (17) “Adequate water” means ~~fresh, potable water provided at suitable~~  
8           ~~intervals for the species, and which, in no event, shall exceed 24 hours at any~~  
9           ~~interval. The animal must have access to the water~~ potable water that is either  
10           accessible to the animal at all times or is provided at suitable intervals for the  
11           species and in sufficient quantity for the health of the animal. In no event shall  
12           the interval when water is provided exceed 24 hours. Snow or ice is not an  
13           adequate water source.

14           (18) “Adequate shelter” means shelter which protects the animal from  
15           injury and environmental hazards.

16           (19) “Enclosure” means any structure, fence, device, or other barrier  
17           used to restrict an animal or animals to a limited amount of space.

1 Sec. 2. 13 V.S.A. § 365 is amended to read:

2 § 365. SHELTER OF ANIMALS

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

6 (b) Shelter for livestock.

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

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

1 accepted agricultural or veterinarian practices, and are provided sufficient  
2 food, water, shelter, and proper ventilation.

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

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

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

18 (3)(A) A cat over the age of two months shall be provided adequate  
19 living space that is large enough to allow the cat, in a normal manner, to turn  
20 about freely, stand, sit, and lie down. A cat shall be presumed to have  
21 adequate living space if provided with:

1                   (i) floor space, including raised resting platforms, of at least nine  
2 square feet; and

3                   (ii) a primary structure of at least 24 inches in height.

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

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

12                   (B) Each female cat with nursing kittens shall be provided the living  
13 space required under subdivision (3) of this subsection (c) plus sufficient  
14 additional floor space to allow for a queening box and the litter, based on the  
15 size or the age of the kittens. When the kittens discontinue nursing, the living  
16 space requirements of subdivision (3) of this subsection shall apply for all cats  
17 housed in the same living space.

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

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

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

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

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

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

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

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

19           (B) Be structurally sound and constructed of suitable, durable  
20           material.

21           (C) Have four sides and a roof.

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

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

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

9           (2) If multiple dogs are maintained outdoors in an enclosure at one time:

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

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

15           (3) The following categories of dogs shall not be maintained in an  
16           outdoor enclosure when the ambient temperature is below 50 degrees  
17           Fahrenheit:

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

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

1           (C) sick or infirm dogs or dogs that cannot regulate their own body  
2           temperature.

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

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

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

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



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

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

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

12           Sec. 3. EFFECTIVE DATE

13           This act shall take effect on July 1, 2016.