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H.218

Introduced by Representatives Bartholomew of Hartland and Viens of
Newport City

Referred to Committee on

Date:

Subject: Crimes; animal cruelty; adequate shelter; 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 the 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.~~

~~* * *~~

~~(11) "Livestock" means cattle, bison, horses, sheep, goats, swine,
cervidae, ratites, and camelids.~~

~~* * *~~

~~(15) "Livestock and poultry husbandry practices" means the raising,~~

1 ~~management, and using of animals to provide humans with food, fiber, or~~
2 transportation in a manner consistent with:

3 (A) husbandry practices recommended for the species by agricultural
4 colleges and the U.S. Department of Agriculture Extension Service;

5 (B) husbandry practices modified for the species to conform to the
6 Vermont environment and terrain; and

7 (C) husbandry practices that minimize pain and suffering.

8 * * *

9 (15) "Living space" means any cage, crate, or other structure used to
10 confine an animal that serves as its principal, primary housing and that
11 provides protection from the elements. Living space does not include a
12 structure, such as a doghouse, in which an animal is not confined, or a cage,
13 crate, or other structure in which the animal is temporarily confined.

14 (16) "Adequate food" means food that is not spoiled or contaminated
15 and is of sufficient quantity and quality to meet the normal daily requirements
16 for the condition and size of the animal and the environment in which it is
17 kept. An animal shall be fed or have food available at least once each day,
18 unless a licensed veterinarian instructs otherwise, or withholding food is in
19 accordance with accepted ~~agricultural or veterinarian~~ veterinary practices or
20 livestock and poultry husbandry practices.

21 ~~(17) "Adequate water" means fresh, potable water provided at suitable~~

1 ~~intervals for the species, and which, in no event, shall exceed 24 hours at any~~
2 ~~interval. The animal must have access to the water potable water that is either~~
3 ~~accessible to the animal at all times or is provided at suitable intervals for the~~
4 ~~species and in sufficient quantity for the health of the animal. In no event shall~~
5 ~~the interval when water is not provided exceed 24 hours. Snow or ice is not an~~
6 ~~adequate water source unless provided in accordance with livestock and~~
7 ~~poultry husbandry practices.~~

8 (18) "Adequate shelter" means shelter which protects the animal from
9 injury and environmental hazards.

10 (19) "Enclosure" means any structure, fence, device, or other barrier
11 used to restrict an animal or animals to a limited amount of space.

12 (20) "Livestock guardian dog" means a purpose-bred dog that is:

13 (A) specifically trained to live with livestock without causing them
14 harm while repelling predators;

15 (B) being used to live with and guard livestock; and

16 (C) acclimated to local weather conditions.

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

18 § 365. SHELTER OF ANIMALS

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

1 ~~(b) Shelter for livestock.~~

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

13 (2) Notwithstanding the provisions of subdivision (1) of this subsection,
14 livestock may be temporarily confined in a space sufficient for them to stand
15 and turn about freely, provided that they are exercised in accordance with
16 livestock and poultry husbandry practices, and are provided sufficient food,
17 water, shelter, and proper ventilation.

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

19 (1) A dog, ~~whether chained or penned,~~ shall be provided an adequate
20 living space no less than three feet by four feet for 25 pound and smaller dogs,
21 ~~four feet by four feet for 26-35 pound dogs, four feet by five feet for 36-50~~

1 ~~100 pound dogs, five feet by five feet for 51-99 pound dogs, and six feet by five~~
2 ~~feet for 100 pound and larger dogs that is large enough to allow the dog, in a~~
3 ~~normal manner, to turn about freely, stand, sit, and lie down. A dog shall be~~
4 ~~presumed to have adequate living space if provided with floor space in the~~
5 ~~greater amount of the following:~~

6 (A) ~~If the dog is:~~

7 (i) ~~less than 15 kilograms, floor space of at least eight square feet;~~

8 (ii) ~~15 or more kilograms up to and including 30 kilograms, floor~~
9 ~~space of at least 12 square feet, and~~

10 (iii) ~~more than 30 kilograms, floor space of at least 24 square feet.~~

11 (B) ~~Floor space in square footage calculated according to the~~
12 ~~following formula: floor space in square feet = (length of dog in inches + 6)~~
13 ~~× (length of dog in inches + 6) ÷ 144. The length of the dog in inches shall be~~
14 ~~measured from the tip of the nose 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 eight~~
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~~
5 ~~cat 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~~
8 ~~sufficient additional floor space to allow for a whelping box and the litter,~~
9 ~~based on the size or the age of the puppies. When the puppies discontinue~~
10 ~~nursing, the living space requirements of subdivisions (1) and (2) of this~~
11 ~~subsection shall 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 (C) 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 cage, 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 Except as provided in subdivision (2) of this subsection, a dog or~~
13 ~~dogs maintained out-of-doors must outdoors in an enclosure shall~~ be provided
14 with suitable housing that assures that the dog is protected from wind and
15 draft, and from excessive sun, rain and other environmental hazards
16 throughout the year one or more shelter 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, a roof, and a ground or floor surface that~~

1 enables the dog to stay clean and dry.

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

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

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

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

12 (3) If multiple dogs are maintained outdoors in an enclosure 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
17 enclosure.

18 (4) The following categories of dogs shall not be maintained outdoors in
19 an enclosure 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; and~~

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

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

7 ~~(6) 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.

11 ~~(1) A~~ Except as provided under subdivision (2) of this subsection, a dog
12 chained to a shelter must maintained outdoors on a tether shall be on a tether
13 chain at least four times the length of the dog as measured from the tip of its
14 nose to the base of its tail, and shall allow the dog access to the shelter.

15 ~~(2) A dog regularly used in training or participation in competitive or~~
16 ~~recreational sled dog activities and housed outdoors in close proximity with~~
17 ~~other dogs may, if necessary for the safety of the dog, be maintained on a~~
18 ~~tether three times the length of the dog, as measured from the tip of its nose to~~
19 ~~the base of its tail.~~

20 ~~(3) A tether used for any dog shall be attached to both the dog and the~~
21 ~~anchor using swivels or similar devices that prevent the tether from becoming~~

1 ~~entangled or twisted. The tether shall be attached to a wellfitted collar or~~
2 harness on the dog. The tether shall be of a size and weight that will not cause
3 discomfort to a tethered dog. A choke collar shall not be used as part of a
4 tethering method.

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 be~~
9 ~~at least 24 inches high. These specifications shall apply to each cat regardless~~
10 ~~of whether the cat is housed individually or with other animals. [Repealed.]~~

11 (h) ~~Notwithstanding the provisions of this section, animals may be~~
12 ~~temporarily confined in a space sufficient for them to stand and turn about~~
13 ~~freely, provided that they are exercised in accordance with accepted~~
14 ~~agricultural or veterinarian practices, and are provided sufficient food, water,~~
15 ~~shelter, and proper ventilation. [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) ~~Notwithstanding the provisions of this section, an animal may be~~
19 ~~sheltered, chained, confined, or maintained out of doors if doing so is directed~~
20 ~~by a licensed veterinarian or is in accordance with accepted agricultural or~~
21 ~~veterinarian practices. [Repealed.]~~

1 ~~Sec. 3. EFFECTIVE DATE~~

2 ~~This act shall take effect on July 1, 2017.~~

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.

** * **

(11) "Livestock" means cattle, bison, horses, sheep, goats, swine, cervidae, ratites, and camelids.

** * **

(13) "Livestock and poultry husbandry practices" means the raising, management, and using of animals to provide humans with food, fiber, or transportation in a manner consistent with:

(A) husbandry practices recommended for the species by agricultural colleges and the U.S. Department of Agriculture Extension Service;

(B) husbandry practices modified for the species to conform to the Vermont environment and terrain; and

(C) husbandry practices that minimize pain and suffering.

** * **

(15) "Living space" means any cage, crate, or other structure used to confine an animal that serves as its principal, primary housing and that

provides protection from the elements. 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.

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

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

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

(19) “Enclosure” means any structure, fence, device, or other barrier

used to restrict an animal or animals to a limited amount of space.

(20) "Livestock guardian dog" means a purpose-bred dog that is:

(A) specifically trained to live with livestock without causing them harm while repelling predators;

(B) being used to live with and guard livestock; and

(C) acclimated to local weather conditions.

Sec. 2. 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.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, livestock may be temporarily confined in a space sufficient for them to stand and turn about freely, provided that they are exercised in accordance with livestock and poultry husbandry practices, and are provided sufficient food, water, shelter, and proper ventilation.

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

(1) A dog, whether chained or penned, shall be provided an adequate living space no less than three feet by four feet for 25 pound and smaller dogs, four feet by four feet for 26-35 pound dogs, four feet by five feet for 36-50 pound dogs, five feet by five feet for 51-99 pound dogs, and six feet by five feet for 100 pound and larger dogs that is large enough to allow the dog, in a normal manner, to turn about freely, stand, sit, and lie down. A dog shall be presumed to have adequate living space if provided with floor space in the greater amount of the following:

(A) If the dog is:

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

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

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

(B) Floor space in square footage calculated according to the following formula: floor space in square feet = (length of dog in inches + 6) × (length of dog in inches + 6) ÷ 144. The length of the dog in inches shall be measured from the tip of the nose of the dog to the base of its tail.

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

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

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

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

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

(4)(A) Each female dog with nursing puppies shall be provided the living space required under subdivision (1) of this subsection (c) plus sufficient additional floor space to allow for a whelping box and the litter, based on the

size or the age of the puppies. When the puppies discontinue nursing, the living space requirements of subdivisions (1) and (2) of this subsection shall apply for all dogs housed in the same living space.

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

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

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

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

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

(d) Daily exercise; dogs or cats. A dog or cat confined in a living space shall be permitted outside the cage, crate, or structure living space for an opportunity of at least one hour of daily exercise, unless otherwise modified or restricted by a licensed veterinarian. Separate space for exercise is not

required if an animal's living space is at least three times larger than the minimum requirements set forth in subdivision (c)(1) of this section.

(e) Shelter for dogs maintained outdoors in enclosures.

(1) Except as provided in subdivision (2) of this subsection, a dog or dogs maintained ~~out-of-doors must~~ outdoors in an enclosure shall be provided with suitable housing that assures that the dog is protected from wind and draft, and from excessive sun, rain and other environmental hazards throughout the year one or more shelter structures. A shelter structure shall:

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

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

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

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

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

(2) A shelter structure is not required for a healthy livestock guardian

dog that is maintained outdoors in an enclosure.

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

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

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

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

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

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

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

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

(6) In addition to the shelter structure, one or more separate outdoor areas of shade shall be provided, large enough to contain all the animals and

protect them from the direct rays of the sun.

(f) Tethering of dog.

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

(2)(A) A dog regularly used in training or participation in competitive or recreational sled dog activities and housed outdoors in close proximity with other dogs may, if necessary for the safety of the dog, be maintained on a tether that allows the dog to walk a distance in any one direction that is at least two times the length of the dog, as measured from the tip of its nose to the base of its tail. The tether shall be attached to the anchor at a central point, allowing the dog access to a 360 degree area.

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

(3) A tether used for any dog shall be attached to both the dog and the anchor using swivels or similar devices that prevent the tether from becoming entangled or twisted. The tether shall be attached to a wellfitted collar or harness on the dog. The tether shall be of a size and weight that will not cause

~~*discomfort to a tethered dog. A choke collar shall not be used as part of a tethering method.*~~

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

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

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

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

Sec. 3. EFFECTIVE DATE

~~*This act shall take effect on July 1, 2017.*~~