

## Proposed Adequate Shelter Language (Revisions to Act 116)

Testimony of Maddie Kempner to House Agriculture & Forestry Committee, February 2, 2021

~~(22) “Adequate constructed shelter” means a well-drained and structurally sound building with a waterproof roof that is of sufficient size to provide a windbreak and protection from exposure to prevailing winds, rain, hail, sleet, snow, and sun and that provides enough space to accommodate at one time all livestock and animals comfortably. The building opening size and height shall, at a minimum, allow six inches of clearance above the largest animal’s ears when the animal is standing in a normal position and the clearance shall be maintained at that level even with manure and litter buildup.~~

(22) "Adequate shelter" means structures such as barns, sheds, or windbreaks; or natural areas such as woods, tree lines, hedge rows, or geographic land features, that are designed or selected to provide physical protection or housing to animals, and shall:

~~(23) “Adequate natural shelter” means a natural structure or formation, which may include a stand of trees that:~~

~~(A) be is a well-drained area of sufficient size to provide a windbreak and protection from exposure to prevailing winds, rain, hail, sleet, sun, and snow inclement weather; and~~

~~(B) provides enough space to accommodate at one time all livestock or animals maintained out-of-doors in the area;- and~~

~~(C) (if a constructed building is being used to provide adequate shelter) be structurally sound, provide adequate ventilation, and have a building opening size and height which shall, at a minimum, shall allow six inches of clearance above the largest animal’s ears when the animal is standing in a normal position and the clearance shall be maintained at that level even with manure and litter buildup.~~

(24) “Adequate ventilation” means that ventilation in an enclosed or confined area shall be sufficient to control excessive ambient temperatures and humidity and to prevent the accumulation of toxic gases, such as ammonia.

(25) “Inclement weather” means weather that is violent, or characterized by extreme temperatures (high or low), or characterized by excessive precipitation that can cause physical harm to a given species of livestock. Production yields or growth rates of livestock lower than the maximum achievable do not qualify as physical harm.

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

### § 365. SHELTER OF ANIMALS

(a) Adequate shelter. All livestock and animals that are to be predominantly maintained in an outdoor area shall be provided with adequate ~~natural shelter or adequate constructed shelter to prevent direct exposure to the elements~~ during periods of inclement weather.