

Current BC Ordinance, Chap6-45 Restraint of Animals

1 a) A person owning or having charge, custody, care, or control over an animal, including livestock, shall keep the animal upon his or her own premises by either a secure run or kennel area, an enclosure surrounding the perimeter of the property, on a trolley device, or any other acceptable means associated with a particular species of animal. Direct point chaining to stationary objects is prohibited. Any animal not deemed dangerous and not within a secure enclosure may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run on its owner's property, subject to the following conditions:

- 1) Only one animal may be tethered to each cable run;
- 2) There must be a swivel on at least one end of the tether to minimize tangling of the tether;
- 3) The tether and cable run must be of adequate size and strength to effectively restrain the animal. The size and weight of the tether must not be excessive, as determined by the Animal Care Services Officer, considering the age, size and health of the dog;
- 4) The cable run must be at least ten (10) feet in length and mounted either at ground level or at least four (4) feet above ground level;
- 5) The tether must be at least ten (10) feet in length unless such length allows the animal to move beyond the legal boundary of the property, in which case the tether shall be no less than eight (8) feet in length;
- 6) The tether must be affixed to an animal by use of a non-abrasive, comfortably fitted collar or harness. Prong-type, pinch-type, or choke collars shall not be used;
- 7) The device must be fastened so that the animal can sit, walk, and lie down comfortably, and must be unobstructed by objects that may cause the device or animal to become entangled or strangled;
- 8) The animal must have easy access to adequate shelter, shade, food, and potable water;
- 9) The area where the animal is confined must be kept free of garbage and other debris that might endanger the animal's health or safety. Feces shall be cleaned up regularly;
- 10) The area where the animal is confined must be kept free of insect infestation, such as anthills, wasps' nests, flea, tick, and maggot infestations.

A person owning or having charge, custody, care, or control over an animal, including livestock, shall keep the animal upon his or her own premises within a secure enclosed pen or a secure area surrounding the perimeter of the property, on a trolley system, or any other acceptable means associated with a particular species of animal. The care and maintenance of all animals, regardless of the means of restraint is described in section 6-58. A trolley system shall consist of a tether attached to a cable run by a swivel eye pulley or an eye-eye swivel. Direct point chaining of any animal to stationary objects is prohibited. A dog not deemed dangerous, and not within a secure enclosed pen or enclosed area may be restrained by means of a trolley system on its owner's property, subject to the following conditions:

1. Puppies less than 6 months of age may not be tethered, and only one dog may be tethered to each cable run.
2. There shall be a swivel on ^{1-4,17} both ends of the tether to minimize twisting or tangling of the tether. A swivel eye pulley or an eye-eye swivel shall be used to attach the tether to the trolley cable. The diameter of the opening of the eye of the swivel surrounding the trolley cable shall be at least 3X the outer diameter of the trolley cable.
3. The tether, trolley cable, and all hardware should be of adequate strength to effectively restrain the dog.
4. The trolley cable shall be mounted either at ground level or at least four (4) feet above ground level and shall have at least 10 feet of useable length along which the swivel-eye pulley and tether can freely move. Wherever possible, longer trolley lengths should be installed. The trolley shall not be placed "catty-corner" within a fenced area.
5. For a ground trolley, the tether must be at least 10 ft. long, and anchors must be buried completely below the surface of the ground. For all trolleys the dog must be able to move at least 10 feet perpendicularly away from the trolley along its entire length, and on both sides of it. If the only location possible for a trolley allows the dog to move beyond the legal boundary of the property, the owner may petition the head of ACS for a waiver, in which case the dog shall be able to move no less than 8 feet away from the trolley on both sides of it. In no case shall a tether of less than eight feet be allowed. Every trolley system shall allow at least 200sq.ft of useable space for the dog. Chains, wire, or metal devices other than coated cable shall not be used as tethers.
6. The tether must be affixed to a non-abrasive ^{*5} comfortably fitted harness or collar at least one inch wide, by a swivel snap. All areas of a harness or collar shall allow for the easy insertion of two fingers between it and the dogs skin. Metal, chain, prong-type, pinch-type, or choke collars shall not be used.
7. The tether must be fastened so that the dog can sit, walk, and lie down comfortably, and must be unobstructed by any object that may cause the tether or dog to become entangled, or strangled ^{*1,6-9} The tether shall not allow the dog to get closer than 2 feet to any fence, or to extend over a stairway, deck, porch, overhang, sharp object, or any object that may enable him to slip, hurt, or hang himself.
8. The dog must have easy access to adequate shelter at all times, ^{*10-12;} shade independent of shelter, and abundant ^{*13-15} clean unfrozen potable water in a tip resistant bowl.
9. The area where the dog is confined must be kept free of garbage, debris, or any object that might endanger the dog's health or safety. ^{*1,16} Feces shall be cleaned up daily
10. The area where the dog is confined must be kept free of insect infestation, such as anthills, wasps' nests, flea, tick, and maggot infestations.

Footnotes: ^{*1}Hobbs, NM; ^{*2}Nashville-Davidson County Te, ^{*3}Noblesville, Ind, ^{*4}Oak Ridge, Te., ^{*5}Larimer County, Ca; ^{*6}Little Rock, Ark; ^{*7}Marion, Indiana; ^{*8}East Longmeadow, Mass, ^{*9}Humane Soc. Greater Miami; ^{*10}Dona Ana, NM; ^{*11}Edgewood, NM; ^{*12}Animal Protection, NM; ^{*13}Heywood County, NC; ^{*14}Topeka Ks, ^{*15}Grand Prairie Tx; ^{*16}Lubbock, Tx; ^{*17}Orange County, NC 2009; ^{*18}Oakland Park, Fla; ^{*19}Fort Lauderdale Fla..

Sec. 6-58. Care and maintenance Current version

a) It is unlawful for a person to fail, refuse or neglect to provide any animal in his charge or custody such care and husbandry as to maintain the good health and well being of the animal. Such care and husbandry shall include, but not be limited to, adequate food appropriate to species, potable water, adequate living area, professional veterinary care and necessary grooming to maintain good health and protection from extreme weather elements. Animals shall be provided adequate space to prevent overcrowding and to maintain normal exercise according to species, size and temperament.

b) Any dog habitually kept outside shall be provided with a structurally sound weatherproof enclosure, large enough to accommodate the animal. .

c) For livestock being confined to an area of one acre or less, it is unlawful for a person to fail, refuse and/or neglect to provide any livestock in his charge or custody with such care and husbandry as to maintain the good health and well-being of the animal. Such care and husbandry shall include, but not be limited to, nutritious food in sufficient quantity provided daily, fresh clean potable water available at all times, clean adequate space, necessary veterinary care, necessary hoof care, and a proper shelter or protection from weather.

(a) It is unlawful for a person to fail, refuse or neglect to provide any animal including all dogs, pets, companion animals and livestock in his or her charge or custody such care and husbandry as to maintain the good health and well being of the animal. Such care and husbandry shall include, but not be limited to adequate nutritious food appropriate to species, potable water, adequate living area, , professional veterinary care, and necessary grooming to maintain good health and protection from extreme weather elements. Animals shall be provided adequate space to prevent overcrowding and to maintain normal exercise according to species, size and temperament.

(b)^{3,11,21} All animal owners/guardians shall provide regular basic, necessary, and emergency professional medical care for all their animals. It is unlawful to have an animal in possession that is known or suspected to have an injury, accidental or deliberate, or to exhibit any signs of disease, starvation including but not limited to evidence such as protruding ribs or hip bones, shock, temperature fluctuations, tremors, swelling, open wounds, inability to eat, poor condition of the fur, blistering or abnormal bleeding, partial paralysis, or discharging blood or mucus, without arranging for professional veterinary care.

(c) All animals kept outdoors shall be provided with a structurally sound adequate weatherproof shelter accessible at all times as protection against extremes of temperature and freezing or driving rain, and with shade independent of shelter. These requirements exclude livestock that at all times of the day are confined to an area of more than one acre.

♣ **Adequate nutritious food appropriate for species.** ^{*5} A nutritionally balanced diet appropriate for the species that maintains the health and normal weight for the animal shall be provided at least every 24 hours. For dogs and other pets, it shall be served in a clean receptacle, dish, or container that is free of contaminants that may be injurious to the health of the animal. Extra food shall be provided when the temperature drops below 40°F.

♣ **Potable water:** ^{*4,5,23} All animals shall be provided with constant access to clean unfrozen water either in a container, or free running. Container water shall be provided in a tip-resistant pail, bowl or tub. Burying the bottom half of a pail or large bowl or water container in the ground is an acceptable method for doing this for dogs. Bowls, containers and pails shall be cleaned regularly.

♣ **Adequate living area for dogs, small mammals, and birds kept outdoors:**

An adequate living area shall consist of a space for normal exercise, adequate space to prevent overcrowding, adequate housing/shelter, and ^{*2,21} shade independent of shelter. This living area shall contain abundant clean potable water accessible at all times, nutritious food appropriate to species, and shall be maintained as a clean and healthful area.

♣ **Adequate housing/shelter for dogs, small mammals and birds kept outside:**

a). Shelters shall be structurally sound, fully enclosed, waterproof and weatherproof. The walls, floor and ceiling shall be continuous and of solid construction with no gaps or holes present except for a small doorway. This shelter/housing must protect animals from rain, wind, snow, and the cold and shall be accessible to the animal at all times. ^{*20}Dogs and cats kept outside should be brought indoors during extreme atmospheric conditions, including but not limited to heat above 85°F, or cold below 40°F, electrical storms, and thunderstorms.

^{*6,7} b) Houses for dogs and cats shall include a slightly elevated floor, and a doorway (covered by a flap) just large enough to accommodate the animal and offer protection from the prevailing wind and rain. Housing should be small enough to retain the body heat generated by the animal. There should be just enough room inside for the animal to stand up, turn around, lie down comfortably and stretch out.

c) ^{7,15,16} Insulating materials shall be provided during cold weather when temperatures fall below 50°F. A thick layer of dry bedding, preferably clean straw, shall be placed within the house and removed in late spring. The floor shall be placed on top of a thick layer of straw as insulation and protection from the cold ground. Houses/shelters constructed of metal, ^{*14} plastic or metal drums, garbage pails or similar barrel shaped structures turned on their sides are not acceptable. ^{*21} Crates, including airline or transportation crates are prohibited as a means of outdoor shelter or confinement.

♣ **A clean and healthful living area**

Owners of all dogs or livestock kept in enclosed pens or on trolleys, shall maintain a clean and healthful shelter and living area which shall be free of accumulated waste, debris, storage items, litter, or sharp objects including but not limited to sand burrs, goat heads, metal, and glass, so that the animal shall be free to walk or lie down everywhere within it without coming in contact with any such matter. This living area shall be kept clean and free of insect infestations including anthills, wasp's nests, fleas, ticks, or maggots, and from wasps which often build nests on the inside of the roof of doghouses and sheds. ^{*21,13} Dog feces shall be cleaned up daily in enclosed areas or pens and from the area covered by a trolley system, and for livestock from all shelters whether weatherproof or for shade, and from sheds, and stalls.

♣ ^{*2,21} **Shade independent of shelter:**

During the spring and summer, all animals shall have access to sufficient shade to comfortably include all animals present in a reclining position. ^{*2,3,7} During hot weather, the temperature inside even an insulated and "ventilated" doghouse kept in the sun is higher than the temperature outside the house. Therefore, very well-ventilated shade other than the inside of a weatherproof shelter, i.e., shade independent of shelter, shall be provided as full protection against the hot spring and summer sun all afternoon. Trees, awnings, or structures containing no more than 2 sides and a roof may be utilized.

♣ **Space for normal exercise for dogs:**

For dogs restrained on trolleys, this shall be a minimum of 200 square ft., i.e. a 10 ft. functional trolley length, with 100 square ft of useable space on each side of the trolley. ^{*8-12,24} For a dog confined in an enclosed pen, the same minimum space requirements of 200 sq.ft/dog shall apply. Pens or enclosures with tops or ceilings shall not be less than 5 ft tall. Dogs confined by trolleys or pens should be provided with additional exercise. The above requirements do not apply to permitted properties or licensed shelters.

♣ **Adequate space to prevent overcrowding of dogs:** ^{*23} For a second or for each additional dog over the age of 6 months kept in a pen, additional area shall be required and shall be equal to at least 30% the minimum area required for a single dog. Additional doghouse(s) shall also be provided so that there is space for each dog in the pen to stretch out and lie down comfortably on the floor of his/her house For cats, a minimum enclosure will be 30sq ft X 5 ft tall/cat, and include a kitty litter box and one or more posts with platforms for the cat to climb up and lay down on. For each additional animal the area shall be increased by 30%, and an additional platform and litter box added. The above requirements do not apply to permitted properties or licensed shelters.

♣ **Necessary Grooming :** Grooming of the coat on most animals is necessary to prevent matting, skin irritation, distress or pain, trapping of fecal matter, and loss of ability to protect the animal from adverse weather conditions. An animal shall not be so dirty as to provide a home for parasites and insects. No animal shall be allowed to have a foreign object embedded in its skin, fur or hair other than a microchip. Equines shall be provided with professional foot care to prevent overgrown hooves, and other conditions including but not limited to hoof rot (thrush) and laminitis (founder).

♣ **An Adequate living area for livestock confined on less than one acre** includes adequate shelter, a minimum space for normal exercise, adequate space to prevent overcrowding, shade independent of shelter all afternoon, and a clean and healthful living area. Sheds and exercise areas shall be kept free of accumulated waste, debris, storage items, litter, or sharp objects so that the animal shall be free to walk or lie down without coming into contact with any such matter. This living area shall be kept clean and free of insect infestations including anthills, wasp's nests, fleas, ticks, or maggots. Feces in sheds, stalls, or shelters shall be removed daily.

♣ **Adequate shelter/housing for livestock confined on less than one acre:** A structurally sound waterproof barn, shed, box stall, 'loafing shed', 'run-in' shed or other shelter appropriate to the breed or species. This shelter shall protect all animals present from driving rain, and extremely cold temperature and wind in the winter. It shall contain a ^{*17,18}solid waterproof roof and at least 3 sides with the main opening preferably facing south. ^{*17,18} The floor shall be kept dry, and sheds shall be well ventilated, but free of drafts. For horses, cows and goats, and pigs a thick soft dry floor of sand, or straw bedding shall be provided.

♣ **Adequate space to prevent overcrowding for livestock confined on less than one acre:**^{*17} Sheds or box stalls used for shelter for horses shall have a minimum of 11 X 11 sq.ft./horse, and be at least 8 ft. tall. ^{*18} Minimum area for shelter for other animals shall be as follows: 40-50 sq. ft./cow; 100-150 sq ft/bull; 18-20 sq ft/mature pig; 16 sq ft./sheep, ^{*19} 20 sq. ft./goat. X 5 ft. tall, and 6x6sq ft X5 ft tall per emu, for chickens a roost for 15 birds should be at least 5X5sq ft, X 3 ft. tall with elevated shelves for nests, and the coop shall be at least 20X20 ft. square,. The opening of the roost should be just large enough for the birds to come and go. For ducks the shelter and coop shall be of similar dimensions as for chickens, except that elevated shelves are not necessary. For all the shelters listed above, floors and/or bedding material shall be kept dry and there shall be adequate drainage to prevent unintentional standing or pooling of water.

♣ **Space for normal exercise of livestock confined on less than 1 acre:** A horse's living area shall include an easily accessible exercise area such as a corral, a sacrifice paddock (with a dry floor), or a pasture, for daily exercise. The minimum size of a corral or dry paddock should be, ^{*26}500 sq. ft./animal .-, and the minimum size for a pasture should be ^{*4}1000 sq. ft per horse. These areas do not include the size of the animal's shed or stall, and shall be freely accessible from those shelters. Rectangular paddocks are best for encouraging exercise, but the shortest dimension should not be less than 10 ft. ^{*22}Adequate pen space for a cow should not be less than 200 sq.ft. per cow, and for other livestock, not less than 5X the square footage of its shed or stall/per animal.

Footnotes: Footnotes refer to Animal Ordinances, unless otherwise noted: ^{*1} "Enclosed" as defined in the BC Ordinance definition section, ^{*2} Dona Ana ^{*3}Edgewood, NM; ^{*4} Dona Ana County IN: Las Cruces Extra-Territorial Zoning Ordinance #88-02, & Curtis Childress Personal Communication. ^{*5}Topeka, Ks, ^{*6}National Humane Education Society, ^{*7}Animal Protection New Mexico; ^{*8,9,10,11,12,25}Many ordinances require a minimum pen size for each dog regardless of size or weight, including: Maumelle, Arkansas; North Little Rock, Arkansas; Fairhope, Alabama; Chagrin Falls, Ohio; Middleton, Ohio. ^{*24} The ordinance from Durham County, distinguishes between dogs less than 20 lbs (requiring no less than a 100sq ft. area) and dogs weighing more than 20 lbs (requiring not less than 200 square ft.) ^{*13}Lubbock, TX; ^{*14}Gwinnett County, Ga; ^{*15}Topeka, Kansas; ^{*16}Frederick County, Md. ^{*17}NM Horse Care Council Inc. pamphlet, ^{*18}Stockman's Handbook Digest from the Bernalillo County Extension Agency. ^{*19}Purdue Univ. Dairy Goat Information. ^{*20}Kanawaha County W.Va. ^{*21}Hobbs, NM, ^{*22} Dept. Biological and Agricultural Engineering, Planning Cattle Feedlots, Kansas State, Univ. ^{*23}Grand Prairie, Tx., ^{*24}Durham County, NC; ^{*25} Moundsville, WV; ^{*26} NM State Univ. Cooperative Extension: Planning a horse pasture, Sacrifice Paddock/Corral