

Chapter 152. Animals

Article I. Outdoor Tethering of Dogs

[Adopted 11-18-2014 by L.L. No. 7-2014]

§ 152-1. Legislative intent and findings.

[Amended 8-17-2021 by L.L. No. 7-2021]

The Ulster County Legislature has determined that the practice of tethering a dog outdoors for a prolonged period is inhumane and presents a threat to the safety of the dog, other animals and human beings. The Legislature has further determined that it is in the best interest of the residents of Ulster County, as well as their pets, to ensure the safety of all by regulating the amount of time, as well as the manner in which, a dog may be tethered. The intent is for a person to tether a dog outside no longer than necessary.

§ 152-2. Definitions.

[Amended 8-17-2021 by L.L. No. 7-2021]

As used in this article, the following terms shall have the meanings indicated:

TETHER

To restrain a dog by attaching the dog to any stationary object or structure, including without limitation a house, tree, fence, post, garage, or shed, or mobile device, including, without limitation, a trolley or pulley, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering does not include the use of a leash to walk a dog.

WEATHER ALERT

A National Weather Service watch, warning or advisory issued by local, state or federal authority for potential hazardous weather of concern, including but not limited to flood, heat advisory, frigid weather, snow or ice storm, tornados, tropical storm, high winds or thunderstorms.

§ 152-3. Tethering regulations.

[Amended 8-17-2021 by L.L. No. 7-2021]

- A. The tether must be attached to the dog with a properly fitted buckle-type collar or a body harness made of material not normally susceptible to being severed by the dog through chewing or otherwise and that will not cause trauma or injury to the dog. Choke- or pinch-type collars, attached weights and chains over 1/4 inch thick cannot be utilized for tethering.
- B. The length of a stationary tether shall not be less than 10 feet or five times the length of the dog's body as measured from the tip of the nose to the base of the tail, whichever length is greater; shall connect at both ends with a swivel and be affixed in such a manner that it will prevent the dog from becoming entangled or injured; shall weigh less than 1/10 of the dog's weight; and shall restrain the dog to the owner's property while also preventing the dog from reaching hazards,

including but not limited to a pool, fence, porch or railing that poses a strangulation risk, and/or other animals.

- C. A dog, whether tethered or confined in a yard, outdoor kennel, or a wireless dog fence, must have unencumbered access to shade, food, water, shelter and dry ground without becoming entangled.
- D. A dog shall not be tethered outdoors during a weather alert or when outside weather conditions, including but not limited to extreme heat, cold, wind, rain, snow or hail, pose an adverse risk to the health or safety of a dog based on breed, age or physical condition, in accordance with the industry standard set forth in the Tufts Animal Care and Condition Weather Safety Scale. Extreme heat and cold limitations are set as an ambient temperature of 80° F. and 35° F., respectively.
- E. A dog shall not be tethered in any of the following circumstances: under six months of age; a nursing female; when suffering illness, debilitating disease, injury, in distress, or in the advanced stages of pregnancy.
- F. A tethered dog must be apparently free of any health condition that would be exacerbated by tethering.
- G. If there are multiple dogs, each must be tethered separately.
- H. A tethered dog shall have access to appropriate shelter that will allow the dog to remain dry and to be protected from the elements. In addition to complying with the requirements of § 353-b of New York State Agriculture and Markets Law, the shelter shall be fully enclosed on all sides except one, which side shall have an opening that will allow the dog easy entry to and exit from the shelter; have a slanted, waterproof roof; and have a solid floor. The shelter shall contain clean bedding or straw/shavings. If straw/shavings is used, it must be replaced at least once a month so that the dog can burrow into it for warmth. The shelter shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down with limbs outstretched, and turn around comfortably. The area around the shelter shall be kept free of standing water, ice and waste.
- I. A dog shall not be tethered outside for longer than five consecutive hours in a twenty-four-hour period or a total time outside in excess of 10 hours and outside from 10:00 p.m. to 6:00 a.m.
- J. In addition to the above requirements, tethered dogs must be free of cruel conditions or inhumane tethering at any time. For purposes of this section, "cruel conditions or inhumane tethering" shall include the following:
 - (1) Exposure to animal waste, garbage, noxious odors or objects that could injure or kill a dog.
 - (2) Exposure to taunting, prodding, provoking, hitting, harassing, threatening or otherwise harming a tethered dog.
 - (3) Exposing a dog to dangerous conditions, including potential attacks by other animals.
 - (4) Tethered on vacant property.
 - (5) Any tethering that causes injury or death.

§ 152-4. Enforcement; penalties for offenses.

- A. This article shall be enforced by the office of the Ulster County Sheriff and may also be enforced by any constable, police officer, local dog control or animal control officer, or any agent or officer of any duly incorporated society for the prevention of cruelty to animals with jurisdiction within Ulster County.
[Amended 8-17-2021 by L.L. No. 7-2021]
- B. A violation of any of the provisions of this article shall, for a first offense, be punishable by a fine of up to \$100 and/or an educational component at the judge's discretion.

- C. For a second offense, the fine shall be up to \$500 and/or 50 hours of community service plus reimbursement of investigation costs.
- D. For a third or subsequent violation, the fine shall be \$1,000 and/or 150 hours of community service plus surrender of the dog, if ordered by the court, plus costs of investigation and prosecution, not to exceed \$2,000. In addition, all third-time offenders, subsequent to the enactment of this article, are required to register as an animal abuser on the Ulster County Animal Abuse Registry.
[Amended 8-17-2021 by L.L. No. 7-2021]
- E. Fines collected pursuant to this section shall be deposited with the Ulster County Commissioner of Finance, identified with a separate General Ledger account number in the Sheriff's budget, and shall be used for animal protection education in the County of Ulster and/or the maintenance of an animal abuse registry.
[Amended 8-17-2021 by L.L. No. 7-2021]

§ 152-5. Exceptions.

A dog tethered in compliance with the requirements of a campground area holding an Ulster County Health Department permit shall be exempt from these regulations.

§ 152-6. Effect on other laws.

This article will have no effect in a city, town or village located within the County of Ulster that has enacted an ordinance, resolution, or law regulating the tethering of dogs within its jurisdiction.

Article II. Animal Abuse Registry

[Adopted 9-15-2015 by L.L. No. 12-2015]

§ 152-7. Legislative intent.

- A. The Ulster County Legislature (the "Legislature") hereby finds that animal cruelty is a serious problem, resulting in the abuse and neglect of thousands of animals each year in the United States.
- B. The Legislature also finds that while New York State has criminalized the cruel treatment of animals, animal abuse continues to occur in Ulster County and throughout the state.
- C. The Legislature also finds that people who have abused animals in the past are likely to do so in the future, and studies show that there is a near 100% recidivism rate for certain types of abuse, such as animal hoarding.
- D. The Legislature finds that, statistically, individuals who abuse animals are more likely to commit violent acts against humans.
- E. The Legislature also finds that a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.
- F. The Legislature further finds that it is in the best interests of Ulster County residents to establish an animal abuse registry to identify individuals who abuse animals and who, therefore, may be more likely to commit other acts of violence, and to prevent these individuals from adopting, purchasing, or otherwise obtaining animals by adoption, sale, or other means.
- G. Therefore, the purpose of enacting this article is to establish an online registry for individuals who are convicted of animal abuse and neglect crimes.

§ 152-8. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL ABUSE CRIME

The commission of the following enumerated crimes against an animal:

- A. Animal fighting, as defined in the New York State Agriculture and Markets Law (hereinafter "AML") § 351;
- B. Overdriving, torturing, and injuring animals; failure to provide proper sustenance, as defined in AML § 353;
- C. Aggravated cruelty to animals, as defined in AML § 353-a;
- D. Electrocution of fur bearing animals, as defined in AML § 353-C;
- E. Abandonment of animals, as defined in AML § 355;
- F. Failure to provide proper food and drink to an impounded animal, as defined in AML § 356;
- G. Poisoning or attempting to poison animals, as defined in AML § 360;
- H. Interference with or injury to certain domestic animals, as defined in AML § 361;
- I. Clipping or cutting the ears of dogs, as defined in AML § 365;
- J. Companion animal stealing, as defined in AML § 366(3);
- K. Removing, seizing or transporting dogs for research purposes, as defined in AML § 366-a;
- L. Operating upon tails of horses, in violation of AML § 368;
- M. Sexual misconduct with an animal, as defined by New York State Penal Law (hereinafter "PL") § 130.20(3);
- N. Harming an animal trained to aid a person with a disability, as defined by PL § 195.11;
- O. Killing or injuring a police animal, as defined by PL § 195.12;
- P. Harming a service animal in the second degree, as defined by PL § 242.10;
- Q. Harming a service animal in the first degree, as defined by PL § 242.15.

CONVICTED OF

An adjudication of guilty by any court of competent jurisdiction, whether upon a verdict of guilty or a plea of guilty.

ULSTER COUNTY ANIMAL ABUSE REGISTRY

The online registry established by this article for registering any person living in Ulster County convicted of an animal abuse crime.

§ 152-9. Creation of registry.

A registry is hereby created which shall contain the names and residence information of individuals who are convicted of animal abuse crimes. The Ulster County District Attorney is hereby authorized and empowered to contract with qualified organizations dedicated to animal protection, rescue, and/or preventing animal abuse to establish and maintain a publicly accessible registry for such individuals. All fees collected by Ulster County shall be used for the maintenance and administration of the registry.

§ 152-10. Registration requirements.

- A. All persons 18 years of age or older who reside in Ulster County and are convicted of an animal abuse crime on or after the effective date of this article must register with the Ulster County Animal Abuse Registry at the office of the Ulster County District Attorney, or the office of his or her authorized agent, within 10 days following their release from incarceration or, if not incarcerated, from the date of conviction.
- B. The Ulster County District Attorney, or his or her authorized agent, shall promptly notify all persons convicted of animal abuse crimes in Ulster County that they must register with the Ulster County Animal Abuse Registry within 10 days following their release from incarceration or, if not incarcerated, from the date of conviction.
- C. Each person required to register with the Ulster County Animal Abuse Registry shall submit:
 - (1) His or her name;
 - (2) Any aliases he or she is known under;
 - (3) His or her residential address; and
 - (4) A photograph of his or her head and shoulders from the front.
- D. Each person registered with the Ulster County Animal Abuse Registry shall update his or her registration information within 10 days of moving from one residential address to another.
- E. For the first conviction of an animal abuse crime, a person required to register with the Ulster County Animal Abuse Registry shall remain on the registry for 15 years following his or her release from incarceration or the date of conviction, whichever is later. For a second conviction, and any convictions thereafter, a registered person shall remain permanently on the registry.
- F. Upon notification to the Ulster County District Attorney's office, or his or her authorized agent, of a successful appeal of a conviction of an animal abuse crime by an individual that has been required to register pursuant to this article, the registration information for that individual shall be removed from the Ulster County Animal Abuse Registry within five days following the notification.

§ 152-11. Sharing of registration information.

- A. The Ulster County District Attorney, or his or her authorized agent, shall make the Animal Abuse Registry available to the Ulster County Child Protective Services and the Department of Social Services, and is authorized to make the registry available to any state, regional, or national government-operated registry of animal abusers for the purpose of sharing information.
- B. The Ulster County District Attorney, or his or her authorized agent, may accept files from any state, regional, or national registry of animal abusers.
- C. The Ulster County District Attorney, or his or her authorized agent, is authorized to make the registry information available within a reasonable amount of time to any animal registry.

§ 152-12. Fees.

Every person required to register with the Animal Abuse Registry shall pay a fee of \$100 to Ulster County at the time of registration. These funds will be used to pay the administrative costs of maintaining the registry.

§ 152-13. Rules and regulations.

The Ulster County District Attorney is hereby authorized and empowered to promulgate such rules and regulations as are necessary to implement this article.

§ 152-14. Penalties for offenses.

Any person required to register with the Ulster County Animal Abuse Registry who fails to so register shall be guilty of a violation punishable by a fine of not less than \$100 and not more than \$250; or imprisonment for not more than 15 days; or both. Violations under this article shall be prosecuted by the Ulster County District Attorney's Office and shall be adjudicated by a court of competent jurisdiction.

§ 152-15. Applicability.

This article shall apply to all persons convicted of an animal abuse crime on or after the effective date of this article.

Article III. Regulation of Pet Sellers

[Adopted 3-22-2017 by L.L. No. 2-2017]

§ 152-16. Legislative intent.

Many Ulster County residents own dogs and cats. The Ulster County Legislature finds that Ulster County residents feel a great deal of affection for their dogs and cats and consider them to be a part of their family and, accordingly, invest significant amounts of money in their care and maintenance. Dogs and cats are made available to the public from a number of different sources, including, but not limited to, breeders, dealers, and pet sellers. The Legislature finds that breeders, dealers, and pet sellers vary in their treatment of cats and dogs and that some operate substandard commercial facilities that expose dogs and cats to inhumane and unsafe living conditions. The Legislature further finds that some breeders, dealers, and pet sellers will sell animals that are unfit for sale due to, among other things, diseases or congenital conditions. Therefore, the Legislature deems that the regulation of breeders, dealers, and pet sellers is necessary to protect the health, safety, and general welfare of Ulster County residents.

§ 152-17. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL

A dog or cat.

CLINICALLY ILL

An illness that is apparent to a veterinarian based on observation, examination or testing of an animal or upon review of the medical records relating to the animal.

COMMISSIONER

The Commissioner of the Ulster County Department of Health.

CONSUMER

Any individual purchasing an animal from a pet seller or a residential breeder. A pet seller or a residential breeder shall not be considered a consumer.

DEPARTMENT

The Ulster County Department of Health.

DOG DEALER

Any person who:

- A. Sells dogs belonging to such person that he or she has not bred on his or her own premises to a pet seller in Ulster County for resale to a consumer; or
- B. Transfers dogs belonging to another to a pet seller in Ulster County for any type of consideration, fee, commission or percentage of sales price.

DOG SOURCE BREEDER

Any person who sells dogs he or she has bred on his or her own premises for resale by a dog dealer or pet seller in Ulster County.

HOUSING FACILITY

A structure that provides animals with shelter, protection from the elements and protection from extremes of temperature. A housing facility may contain primary enclosures as defined in this section.

NONELECTIVE SURGICAL PROCEDURE

A surgical procedure that is necessary to preserve or restore the health of an animal, to prevent an animal from experiencing pain or discomfort, or to correct a condition that would interfere with an animal's ability to walk, run, jump or otherwise function in a normal manner.

PERSON

Any individual, corporation, partnership, association, municipality or other legal entity.

PET SELLER

Any person in Ulster County who engages in the sale or offering for sale of nine or more dogs or cats per calendar year or who breeds more than two litters of dogs or cats per calendar year for sale to the public for profit. This definition shall not include a residential breeder; nor shall this definition include duly incorporated humane societies or animal protective associations dedicated to the care of unwanted animals which make such animals available for adoption, whether or not a fee is charged for such adoption.

PRIMARY ENCLOSURE

A structure that restricts an animal's ability to move in a limited amount of space, most commonly a cage, kennel, room or other enclosed compartment.

RESIDENTIAL BREEDER

A breeder who sells or offers to sell directly to a consumer animals that are born and raised on the breeder's primary residential premises and shall not be considered a pet seller as a result of selling or offering to sell such animals.

§ 152-18. Pet seller's permit required.

- A. It is unlawful for any pet seller to display, offer for sale, sell, barter or exchange for any consideration any dog or cat within Ulster County without first obtaining a pet seller's permit from the Commissioner.
- B. The Commissioner shall issue permits to pet sellers only upon proof that the animals displayed, offered for sale or sold by such sellers are raised and maintained in accordance with the terms contained in this article.
- C. For purposes of this article, a dog or cat is raised and maintained in a safe and healthy manner when:

- (1) The dog or cat is kept by a pet seller in compliance with the minimum standards of care required by § 152-24 of this article; and
- (2) (For dogs only) The dog was obtained from a dog source breeder who keeps dogs in compliance with the minimum standards of care required by § 152-28 of this article; and
- (3) Compliance with Subsection C(1) shall be established through inspection by the Commissioner in accordance with § 152-23 of this article, and compliance with Subsection C(2) shall be established by the certification required by § 152-27 of this article.

§ 152-19. Residential breeder's permit required.

- A. It is unlawful for any residential breeder to display, offer for sale, sell, barter or exchange for any consideration more than 15 dogs or cats within Ulster County without first obtaining a residential breeder's permit from the Commissioner.
- B. The Commissioner shall issue permits to residential breeders only upon proof that the animals displayed, offered for sale or sold by such breeders are raised and maintained in accordance with § 152-29 of this article.
- C. A residential breeder permit shall be valid for five years from the date of issue.

§ 152-20. Permit procedure.

- A. No person shall operate as a pet seller or a residential breeder in Ulster County unless such person holds the appropriate permit issued by the Commissioner. A pet seller or residential breeder in operation as a pet seller or residential breeder on or before the effective date of this section who has filed an application for an initial permit under this article shall be authorized to operate without such permit until the Commissioner grants or, after notice and an opportunity to be heard, declines to grant such permit. Each application for a permit shall be made on a form supplied by the Department and shall contain such information as may be required by the Department. Renewal applications for pet seller permits shall be submitted to the Commissioner at least 30 days prior to the commencement of the next permit year. Residential breeders shall submit renewal applications for residential breeder permits to the Commissioner at least 30 days prior to the expiration of the five-year permit.
- B. Proof to the satisfaction of the Commissioner of compliance with the requirements of this article and with other applicable provisions of this article shall precede issuance of a pet seller or residential breeder permit.
- C. Prior to the issuance of a pet seller or residential breeder permit, the pet seller or residential breeder shall provide proof that it is in compliance with the requirements of this article and any rules or regulations thereunder. Upon approval by the Commissioner, the appropriate permit shall be issued.
- D. The Commissioner shall provide a copy of the permit to the pet seller or residential breeder and retain the original permit.
- E. No pet seller or residential breeder shall publish or advertise the sale or availability of any dog or cat unless the publication or advertisement is accompanied by the pet seller's or residential breeder's permit number. Notwithstanding the foregoing, a pet seller or residential breeder in operation on or before the effective date of this article who has filed an application for an initial permit may publish or advertise the sale or availability of any dog or cat without the publication or advertisement being accompanied by the pet seller's or residential breeder's permit number until the Commissioner grants or, after notice and an opportunity to be heard, declines to grant such permit.

- F. Pet sellers or residential breeders shall conspicuously display their permits on the premises where the animals are kept for sale so that they can be seen by potential consumers.

§ 152-21. Permit refusal, suspension, or revocation.

- A. Convictions. The Commissioner shall not issue or renew, and shall suspend or revoke, a pet seller or residential breeder permit issued pursuant to § 152-19 of this article based on a conviction of a violation of any provision of Article 26 of the Agriculture and Markets Law, or equivalent in the Penal Law, or regulations promulgated thereunder pertaining to the inhumane treatment of animals, cruelty to animals, endangering the life or welfare of an animal, or violation of federal, state or local law pertaining to the care, treatment, sale, possession, or handling of animals or any regulation or rule promulgated pursuant thereto relating to the endangerment of the life or health of an animal.
- B. Outstanding fines or penalties. The Commissioner shall not issue or renew a pet seller or residential breeder permit if there are unpaid or outstanding fines, penalties, or forfeitures imposed by the Commissioner for violations of this article.
- C. Outstanding uncorrected violations. The Commissioner shall not issue a new permit to any pet seller or residential breeder who has any outstanding, uncorrected violations of this article.
- D. The Commissioner may decline to grant or renew, or may suspend or revoke, a pet seller or residential breeder permit based on the following grounds:
- (1) Material misstatement in the permit application; or
 - (2) Material misstatement in or falsification of records required to be kept pursuant to this article, or under any regulation promulgated thereunder; or
 - (3) Failure to allow the Commissioner or his or her authorized agents to inspect records or the pet seller's or residential breeder's facilities.
- E. The acceptance of an application for a new permit shall not prevent the Commissioner from taking any action that he or she deems necessary, including but not limited to, denial of a permit if an investigation or prepermit inspection discloses conditions or circumstances indicating that a new permit should not be issued.
- F. Any pet seller or residential breeder who is found to be in violation of this article may have his or her pet seller or residential breeder permit suspended for up to three months for a first offense; up to six months for a second offense within a two-year period; or revoked for a third offense within a two-year period. Before any pet seller or residential breeder permit shall be suspended or revoked, the Commissioner, or any hearing officer he or she may designate, shall hold a hearing upon due notice to the permit holder in accordance with regulations promulgated by the Department. Any such violator may also be required to complete a training program designated by the Department prior to reinstatement of such license.
- G. Any action of the Commissioner may be subject to judicial review in a proceeding under Article 78 of the Civil Practice Law and Rules.

§ 152-22. Administration and enforcement.

- A. The Commissioner, in consultation with the Ulster County Board of Health, is hereby authorized to promulgate any rules, regulations, and procedures necessary to implement this article.
- B. The provisions of this article shall be enforced by the Department of Health.

§ 152-23. Inspection of pet sellers.

- A. The Commissioner or the Commissioner's authorized agents shall inspect a pet seller's or a residential breeder's facilities at the Commissioner's discretion to ensure compliance with the provisions of this article.
- B. Any person conducting an inspection of a pet seller or a residential breeder or responding to a complaint concerning a pet seller or a residential breeder pursuant to this article shall be a County employee specifically trained in the proper care of cats and dogs and in the investigation and identification of animal cruelty. The Commissioner may promulgate regulations governing the form and content of such training.

§ 152-24. Minimum standards of care for pet sellers.

- A. Pet sellers shall comply with the following minimum standards of care for every dog or cat in their custody or possession.
 - (1) Housing.
 - (a) Except where dogs or cats are permitted to roam freely inside a pet seller's residential premises, animals shall be housed in primary enclosures or cages that are structurally sound and maintained in good repair so as to prevent the dog or cat from escaping from the enclosure and protect it from injury. Surfaces shall be impervious and not permit absorption of fluids and allow thorough and repeated cleaning and disinfection without deteriorating or retaining odors. "Impervious surfaces" may include sealed concrete, ceramic tile, sealed wood, stainless steel or other materials that do not permit absorption of fluids, allow thorough and repeated cleaning and disinfection without deteriorating or retaining odors, and do not violate any other provision contained within this section.
 - (b) Primary enclosures or cages housing animals shall provide sufficient space to allow each animal adequate freedom of movement to make normal postural adjustments, including the ability to stand up, sit, turn around, and lie down with its limbs outstretched. If the flooring is constructed of metal strands, such strands must be greater than 1/8 inch in diameter (nine gauge) and be coated with a material such as plastic or fiberglass, and shall be constructed so as not to allow passage of any part of an animal's foot through any opening on the floor of the enclosure. The flooring must be in good repair and must not sag or bend between structural supports.
 - (c) Housing facilities shall be adequately ventilated at all times to provide for the health and well-being of the animal. Ventilation shall be provided by natural or mechanical means, such as windows, vents, fans or air conditioners. Ventilation shall be established to minimize drafts, odors, ammonia levels and moisture condensation.
 - (d) The temperature surrounding the animal shall be compatible with the health and well-being of the animal. Temperature shall be regulated by heating and cooling to sufficiently protect each animal from extremes of temperature and shall not be permitted to fall below or rise above ranges which would pose a health hazard to the animal. This shall include supplying shade from sunlight by natural or artificial means.
 - (e) Indoor housing facilities shall have adequate lighting sufficient to permit routine inspection and cleaning and arranged so that each animal is protected from excessive illumination, which may pose a health hazard to the animal. Animal areas must be provided with a regular diurnal light cycle of either natural or artificial light.
 - (f) The indoor and outdoor facilities housing the dog or cat, including the primary enclosure or cage, shall be kept in a clean and sanitary condition in order to provide animals with a safe and healthy living environment. They shall be designed to allow for efficient elimination of waste and water in order to keep the animal dry and prevent it from coming into contact with these substances, except water for drinking purposes. If drains are used, they shall be constructed in a manner to minimize foul odors and backup of

sewage. If a drainage system is used, it shall comply with federal, state, and local laws relating to pollution control.

- (g) In the event that a pet seller has a pregnant or nursing dog on the pet seller's premises, the pet seller shall provide a whelping box for such dog. Each nursing dog shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, in accordance with generally accepted husbandry practices as determined by a licensed veterinarian.
- (h) Pet sellers shall designate and provide an isolation area for animals that exhibit symptoms of or are known to be harboring a contagious disease or illness. This designated area must be in a location that prevents or reduces the spread of disease or illness to healthy animals and must otherwise meet all housing requirements of this section.

(2) Sanitation.

- (a) Housing facilities and primary enclosures contained within those facilities shall be kept in a clean and sanitary condition in order to maintain a safe and healthy environment for the animal. This shall include removing and destroying any agents injurious to the animals, where appropriate, and periodic cleanings.
- (b) Primary enclosures must be cleaned daily and sanitized at least once every two weeks using one of the following methods:
 - [1] Live steam under pressure.
 - [2] Washing with water with a temperature of at least 180°F. and with soap or detergent.
 - [3] Washing all soiled surfaces with appropriate detergent solutions and disinfectant or by using a combination detergent or disinfectant product that accomplishes the same purpose with a thorough cleaning of the surfaces to remove excreta, feces, hair, dirt, debris and food waste so as to remove all organic and mineral buildup and to provide sanitization, followed by a clean water rinse.
 - [4] Dirt, sand, gravel, grass, absorbent bedding, or other similar material must be spot cleaned daily. These surfaces must be raked or spot cleaned often enough to ensure that all animals in the enclosure can avoid contact with excreta. Contaminated material must be replaced when raking and spot cleaning are not sufficient to prevent or eliminate odors or infestations of insects, pests, or other vermin.
- (c) Under no circumstances shall a dog or cat remain inside the primary enclosure or cage while it is being cleaned with live steam, sterilizing agents or agents toxic to the animal, or cleaned in a manner likely to threaten the health and safety of the animal. Trash and waste products on the premises shall be properly contained and disposed of so as to minimize the risks of disease, contamination, and vermin.

(3) Feeding and watering.

- (a) Animals shall be provided with food that is of nutritional value sufficient to maintain each animal in good health and that is free from contamination.
- (b) Dogs and cats shall be adequately fed at intervals not to exceed 12 hours or at least twice in any twenty-four-hour period in quantities appropriate for the animal species, age, and size, unless determined otherwise by and under the direct supervision of a duly licensed veterinarian.
- (c) Sanitary food receptacles shall be provided in sufficient number, of adequate size, and located so as to enable each animal in the cage or primary enclosure to be supplied with an adequate amount of food.