

http://theanimalcouncil.com/files/Delaware_standards_-_statute.txt	http://delcode.delaware.gov/title16/c030f/sc04/index.html#3044F.
<p>Delaware (2009) § 904. Specifications for the humane handling, care and treatment of dogs</p> <p>(a) General facilities.--</p> <p>(1) Structural strength. -- Housing facilities for dogs shall be designed and constructed so that they are structurally sound. They shall have no sharp points or edges that could injure the dogs, and they shall contain the dogs securely and restrict other animals from entering.</p> <p>(2) Storage. -- Supplies of food and bedding shall be stored in a manner that protects the supplies from spoilage, contamination and vermin infestation. Foods requiring refrigeration shall be stored accordingly.</p> <p>(3) Drainage and waste disposal. -- Provision shall be made for the regular collection, removal and disposal of animal and food wastes, bedding, debris and dead animals in a manner that minimizes contamination and disease risks. If housing facilities are equipped with disposal facilities and drainage systems, they shall be constructed and operated so that animal wastes and water are rapidly eliminated and the dogs stay dry. All drains shall be properly constructed, installed and maintained. If closed drainage systems are used, they shall be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor.</p> <p>(b) Indoor housing facilities.--</p> <p>(1) Heating, cooling and temperature. -- Indoor housing facilities for dogs shall be sufficiently heated and cooled when necessary to protect the dogs from temperature extremes and to provide for their health and well-being. When dogs are present, the ambient temperature in the facility shall not be allowed to fall below 50/dF (10/dC) for dogs not acclimated to lower temperatures and for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds). Dry bedding or other methods of conserving body heat shall be provided when temperatures are below 50/dF (10/dC). The ambient temperature shall not fall below 45/dF (7.2/dC) for more than 4 consecutive hours when dogs are present, and shall</p>	<p>Comparison of amendments to statute in 2021.</p> <p>§ 3044F. Specifications for the humane handling, care, and treatment of dogs.</p> <p>(a) General facilities. —</p> <p>(1) Structural strength. — Housing facilities for dogs shall be designed and constructed so that they are structurally sound. They shall have no sharp points or edges that could injure the dogs, and they shall contain the dogs securely and restrict other animals from entering.</p> <p>(2) Storage. — Supplies of food and bedding shall be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. Foods requiring refrigeration shall be stored accordingly.</p> <p>(3) Drainage and waste disposal. — Provision shall be made for the regular collection, removal, and disposal of animal and food wastes, bedding, debris, and dead animals in a manner that minimizes contamination and disease risks. If housing facilities are equipped with disposal facilities and drainage systems, they shall be constructed and operated so that animal wastes and water are rapidly eliminated and the dogs stay dry. All drains shall be properly constructed, installed, and maintained. If closed drainage systems are used, they shall be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor.</p> <p>(b) Indoor housing facilities. —</p> <p>(1) Heating, cooling, and temperature. — Indoor housing facilities for dogs shall be sufficiently heated and cooled when necessary to protect the dogs from temperature extremes and to provide for their health and well-being. When dogs are present, the ambient temperature in the facility shall not be allowed to fall below 50°F (10°C) for dogs not acclimated to lower temperatures and for those breeds that cannot tolerate lower temperatures without stress or discomfort, such as short-haired breeds. Dry bedding or other methods of conserving body heat shall be provided when temperatures are below 50°F (10°C). The ambient temperature shall not fall below 45°F (7.2°C) for more than 4 consecutive hours when dogs are present, and shall</p>

not rise above 85/dF (29.5/dC) for more than 4 consecutive hours when dogs are present.

(2) Ventilation. -- Indoor housing facilities for dogs shall be sufficiently ventilated when dogs are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation. Ventilation shall be provided by windows, vents, fans or air conditioning.

(3) Lighting. -- Indoor housing facilities for dogs shall have ample lighting by natural or artificial means. Lighting in indoor housing facilities shall be sufficient to allow observation of the physical condition of the dogs so housed, and to permit routine inspection and cleaning of the facility. Dogs housed in these facilities shall be provided a regular diurnal lighting cycle of either natural or artificial light. Primary enclosures shall be placed so as to protect the dogs from excessive light.

(4) Interior surfaces. -- The floors and walls of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(c) Outdoor housing facilities.--

(1) Restrictions. -- Dogs that are not acclimated to the outdoor temperatures prevalent in the area or region where they are maintained and breeds of dogs that cannot tolerate the prevalent outdoor temperatures without stress or discomfort (such as short-haired breeds in cold climates) may not be kept in outdoor facilities unless the practice is specifically approved by a licensed veterinarian.

(2) Shelter from the elements. -- Dogs shall be provided with proper shelter to protect them against inclement weather, preserve their body heat, and allow them to remain dry during rain or snow. Sufficient clean bedding material or other means of protection from the weather shall be provided when the ambient temperature falls below the temperature to which the dog is

not rise above 85°F (29.5°C) for more than 4 consecutive hours when dogs are present.

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(c) Outdoor housing facilities. —

(1) **Restrictions.** — No dog shall be confined outside and unattended during any period in which a hazardous weather advisory or warning has been issued by the National Weather Service for the local area or where conditions pose a serious adverse risk to the health and safety of a dog. For purposes of this section, the definition of “outside and unattended” shall mean any dog that is exposed to the elements for a duration of longer than 15 minutes and not in visual range and physical presence of the owner. This expressly includes, but is not limited to, a dog in a yard or a dog that is tethered. A dog shall be considered outside regardless of access to an outdoor dog house or similar structure. However, a dog actively engaged in the protection of livestock, farm property, or poultry shall not be considered to be "outside and unattended" provided that such dog has uninterrupted access to enter a dry agricultural building such as a barn.

(2) Shelter from the elements. — Dogs shall be provided with proper shelter to protect them against inclement weather, preserve their body heat, and allow them to remain dry during rain or snow. The shelter shall be substantially moisture proof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of

acclimated. Additional bedding material or other means of protection shall be provided when the temperature is 35/dF (1.7/dC) or lower.

(3) Shelter from sunlight. -- In addition to the shelter structure, 1 or more separate outside areas of shade shall be provided to allow the dogs to protect themselves when sunlight is likely to cause overheating or discomfort.

(4) Construction. -- Housing facilities for dogs shall be constructed to provide for the health and comfort of the animals. The floors and walls of outdoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized. Mobile or traveling housing facilities, metal barrels, cars, refrigerators or freezers, and the like shall not constitute proper shelter.

(d) Primary enclosures.--

(1) Space requirements. -- Primary enclosures shall be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position. Each dog housed in a primary enclosure shall be provided with a minimum amount of floor space, which shall be calculated according to the procedure prescribed in 9 C.F.R. § 3.6(c)(1).

(2) Space requirements when nursing puppies. -- Each bitch with nursing puppies shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space for each nursing puppy is less than 5% of the minimum requirement for the bitch, the housing shall be approved by a licensed veterinarian.

(3) Height. -- The interior height of a primary enclosure shall be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

durable material with a solid, moisture-proof floor raised off the ground, and contain sufficient clean and moisture-resistant bedding material or other means of protection from the weather. Additional bedding material and a windbreak, such as a flap or tarp at the entrance, shall be provided between November 1 and March 31 or when the temperature is 35°F (1.7°C) or lower.

(3) Shelter from sunlight. — In addition to the shelter structure, 1 or more separate outside areas of shade shall be provided to allow the dogs to protect themselves when sunlight is likely to cause overheating or discomfort.

(4) Construction. — Housing facilities for dogs shall be constructed to provide for the health and comfort of the animals. The floors and walls of outdoor housing facilities shall be constructed and maintained so that they are structurally sound, substantially impervious to moisture, wind, and may be readily sanitized. A dog house shall not be constructed primarily of metal. Mobile or traveling housing facilities, barrels, cars, refrigerators or freezers, and the like shall not constitute proper shelter.

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5) Dogs shall be provided access to food and water under paragraphs (e)(2) through (e)(4) of this section in a manner in which the contents will not freeze.

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(3) Height. — The interior height of a primary enclosure shall be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

(4) Use of tethers. -- If dog houses with tethers are used as primary enclosures for dogs kept outdoors, the tethers shall be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs in the housing facility, and so the dog can roam to the full range of the tether. The tether shall be of a type commonly used for the size dog involved, made of material not normally susceptible to being severed by the dog through chewing or otherwise, and shall be attached to the dog by means of a well-fitted collar that will not cause trauma or injury to the dog. The tether shall be a minimum of 10 feet in length and allow the dog convenient access to the dog house and to food and water containers.

(5) Wire flooring. -- A dog may be sheltered in a primary enclosure having wire flooring if the wire flooring is kept in good repair and does not result in injuries to the dog. The flooring shall be constructed so as not to allow passage of the animal's feet through any openings in the floor of the enclosure. Such flooring shall not sag or bend significantly between structural supports. For primary enclosures built after October 1, 1998, or any floors installed after that date, if the flooring is constructed of metal strands, such strands shall either be greater than 1/8 of an inch in diameter (9 gauge wire) or shall be coated with a material such as plastic or fiberglass.

(6) Exceptions. -- Paragraphs (d)(1) through (5) of this section shall not apply to licensed retail dog dealers if all of the following conditions are met:

a. The primary enclosure is constructed and maintained to provide sufficient space to allow the dog to turn about freely and to stand erect, sit and lie down in a comfortable, normal position;

b. The dog is being offered for sale on a retail basis, or has been sold and is awaiting physical transfer to its new owner; and

c. The dog is maintained in a primary enclosure that keeps the dog on display to patrons of the retail dog outlet during its normal business hours.

(e) Animal health and husbandry standards.--

(1) Compatible grouping. -- Dogs that are housed in the same primary enclosure shall be compatible with the following restrictions:

(4) Use of tethers. — Tethers shall be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs, and so the dog can roam to the full range of the tether. The tether shall be of a type commonly used for the size dog involved, made of material not normally susceptible to being severed by the dog through chewing or otherwise. Tethers shall be attached to the dog by means of a well-fitted collar that will not cause trauma or injury to the dog. Tethers shall not be attached to a choke, pinch, prong, or martingale collar. The tether shall be a minimum of 10 feet in length and allow the dog convenient access to the dog house and to food and water containers. **The dog may not be tethered for more than 2 hours when the dog owner or a responsible person is not present on the property.**

(5) Wire flooring. — **A dog may not be sheltered in a primary enclosure having only wire flooring.**

(6) [Repealed.]

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e) Animal health and husbandry standards. — (1) Compatible grouping. — Dogs that are housed in the same primary enclosure shall be compatible with the following restrictions:

a. Females in heat may not be housed in the same primary enclosure with males, except for breeding purposes.

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- b. Any dog exhibiting a vicious or overly aggressive disposition shall be housed separately.
- c. Puppies 4 months of age or less may not be housed in the same primary enclosure with adult dogs other than their dams or foster dams.
- d. Dogs may not be housed in the same primary enclosure with any other animal species, unless they are compatible.
- e. Dogs under quarantine or treatment for a communicable disease shall be separated from other dogs and other susceptible animal species in such a manner as to minimize the dissemination of such disease.

(2) Feeding. -- Dogs shall be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to maintain the normal condition and weight of the dog. The diet shall be appropriate for the individual dog's age and condition.

(3) Food receptacles. -- Food receptacles shall be readily accessible to all dogs and shall be located so as to minimize contamination by excreta. The receptacles shall be durable and shall be kept clean. The food receptacles shall be sanitized at least once per week. Disposable food receptacles may be used but shall be discarded after each feeding. Self-feeders may be used for the feeding of dry food but shall be sanitized regularly to prevent molding, deterioration or caking of feed.

(4) Watering. -- If potable water is not continually available to the dogs, it shall be offered to the dogs as often as necessary to ensure their health and well-being. Watering receptacles shall be kept clean and shall be sanitized at least once per week.

(5) Cleaning of primary enclosure. -- Excreta and food waste shall be removed from a primary enclosure, including any floor area or ground surface beneath the primary enclosure, on a daily basis. When steam or water is used to clean the primary enclosure, whether by hosing, flushing or other methods, dogs shall be removed, unless the enclosure is large enough to ensure that the dogs will not be harmed, wetted or distressed in the process. Standing water shall be removed from the primary enclosure and dogs in other primary enclosures shall be protected from being contaminated with water and other wastes during the cleaning.

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(6) Housekeeping for premises. -- Premises where housing facilities are located, including buildings and surrounding grounds, shall be kept clean and in good repair to protect the dogs from injury and to facilitate the husbandry practices set forth in this section.

CREDIT(S)

Added by 77 Laws 2009, ch. 179, § 2, eff. Jan. 1, 2010. Amended by 70 Laws 1995, ch. 186, § 1, eff. July 10, 1995; 77 Laws 2010, ch. 428, § 6, eff. July 1, 2010.

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(f) Civil penalties. — An owner who refuses, fails or neglects to comply with this section shall be penalized as follows:

(1) For a first violation, a civil penalty of \$100 in addition to costs.

(2) For a second violation, a civil penalty of \$250 in addition to costs.

(3) For each subsequent violation, a civil penalty of \$500 in addition to costs.

77 Del. Laws, c. 179, § 2; 70 Del. Laws, c. 186, § 1; 77 Del. Laws, c. 428, § 6; 80 Del. Laws, c. 248, § 5; 82 Del. Laws, c. 238, § 1;