

FOHO WV

POSITION PAPER

Rev. January 2023

Standards of Care for Owned Companion Animals



Objective: to establish standards of care for animals residing in private homes.

Introduction

Owning an animal is not like owning a car, although both are considered property under the law. We have greater responsibilities to an animal than to a car. We are responsible for a living, breathing, sentient being and as such we are required not only by law but also by common decency to treat the animal with dignity and respect.

Therefore, the Federation of Humane Organizations of West Virginia (FOHO WV) urges all owners of companion animals to not just meet the standards set out by law but to go beyond that in caring for their companion animals.

Basic needs

Owners must meet the basic needs of animals based on species, breed, age, and health. These basic needs include:

- **Food and water.** Our animals require fresh, potable water free of debris. They also require food that is nutritionally sound and complete.

Owners need to ensure a clean eating area and water and food bowls sanitized regularly to prevent spoilage and buildup of bacteria.

- **Regular exercise.** Our animals need to be regularly exercised whether through walks, play in the house or yard, or interactive toys. Just as we need stimulation of our mental and physical faculties so do our companion animals.

- **Training** our companion animals is another way to stimulate them and

interact with them in a healthy way. Teaching dogs to sit and stay and teaching cats to fetch are all opportunities to help socialize our animals and enjoy their unique traits and characteristics.

- **Appropriate and timely veterinary care** is a must to keep companion animals healthy. According to WV Code 19-20A-2, all dogs and cats must be vaccinated against rabies. There are other vaccinations available for cats and dogs. A veterinarian can determine which are appropriate.

Beyond basic veterinary care, we must look to care that prevents pain and suffering, aids in wellbeing, and gives the animal the best quality of life for his breed, species, and age.

Housing

Indoors. While most companion animal owners like having their cats and dogs in the home with them, some owners prefer to keep their animals outdoors. FOHO WV encourages all animal owners to review the housing arrangements they have for their animals with the aim to keep all animals safe wherever they reside.

Pens. If the animal lives in an outside area,

- the pen must be **adequate in size** for the species, age, size, and number of animals, typically dogs, confined.

- the area needs **adequate shelter from all types of weather**, including shaded areas and areas protected from wind, rain, and snow.

- the interior of the pen must be **cleaned daily** of feces and any debris

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that might have blown into the area. The area must also be free of any objects that could harm the animal. Dogs living in a pen should have access to clean, potable water and food if in the pen for long periods of time.

Roaming. Some animal owners believe cats should be free roaming. While there is nothing in the WV code on this issue specifically, the code does state that if a cat is allowed outdoors, he or she must have a current rabies vaccination (19-20A-8. Vaccinated dogs and cats may run at large). Check local code prohibition.

But let's go beyond the code for the moment. Outdoor cats can pose a problem for neighbors who do not want them in their yards and for motorists who have to slam on their brakes to avoid hitting them as they dash across the street.

Since there is no requirement in state code for animal control to manage cats, FOHO WV feels this is an area that needs considerable attention. But as owners, we can be responsible for cats by keeping them indoors or confined in screened enclosures.

- **Spay/neuter.** It should go without saying, but we will say it anyway, all cats must be spayed/neutered whether they go outdoors or not, but especially if they are allowed outside. Our shelters are overrun with kittens every year.

Tethering dogs

If you must tether or chain your dog, follow the guidelines below. Also, see FOHO WV's Chaining/Tethering position paper at our web site (www.fohowv.org).

- **Briefly.** Tethering should not be a means of confining a dog 24/7 but rather an opportunity for a dog to be outdoors for a brief period of time if the owner does not have a securely fenced yard.

- **Comfortably.** Dogs must be tethered in way so as to prevent injury, strangulation, or entanglement. The tether should be connected to a no-choke harness or collar and must be long enough and light enough to allow the dog to move freely and to find shade, water, and food.

- **Female dogs.** If a female dog is tethered, the following WV code must be adhered to: 19-20-22. Confinement of female dogs. *"Every person owning or harboring a female dog, whether licensed or unlicensed, shall keep such dog confined in a building or secure enclosure for twenty-five days during the period of estrus."*

Shelter

Whether for a tethered dog or one who lives in a pen or a fenced yard, shelter should provide adequate protection at all times year around.

- **Weatherproof.** It should have a weatherproof roof with no gaps and enclosed sides. The floor should be solid and raised at least 2 inches off the ground. The interior of the shelter should be free of cracks, holes, and protruding or rough objects/edges that could cause injury.

- **Comfortably sized.** The opening should be large enough to allow the dog to easily enter and exit and the

Animal cruelty

Animal cruelty is simply not to be tolerated. Whenever we witness animal cruelty, we must do something about it or we become part of the cruelty itself. WV has laws that protect animals from cruel acts.

61-8-19. Cruelty to animals; penalties; exclusions. *"(a) If any person cruelly mistreats, abandons or withholds proper sustenance, including food, water, shelter that protects from the elements of weather or medical treatment, necessary to sustain normal health and fitness or to end suffering or abandons any animal to die, or intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result, or rides an animal when it is physically unfit, or baits or harasses any animal for the purpose of making it perform for a person's amusement, or cruelly chains or tethers any animal or uses, trains or possesses any domesticated animal for the purpose of seizing, detaining or maltreating any other domesticated animal, he or she is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than three hundred nor more than two thousand dollars or confined in jail not more than six months, or both. (b) If any person intentionally tortures, or mutilates or maliciously kills an animal, or causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal, he or she is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less than one nor more than five years and be fined not less than one thousand dollars nor more than five thousand dollars. For the purposes of this subsection, 'torture' means an action taken for the primary purpose of inflicting pain."*

interior should be appropriate in size to allow the natural body heat of the dog to be retained in cold weather.

- **Clean and dry.** Bedding should be wood shavings, straw, or other material that cannot freeze to the dog's body and should be kept dry or replaced when wet or soiled.

Responsibility of County Commissions/Councils

WV Code 7-1-14 states that a "county commission may adopt ordinances, rules and regulations providing for the custody and care of animals that have been abandoned, neglected or cruelly treated for the protections of any such animal and to prevent it from becoming a public nuisance or risk to public health or safety or the environment...."

We must encourage our locally elected officials to protect the animals of our communities by following the laws already established and proposing ones that are pertinent to our specific locale.

Conclusion

If we are to maintain companion animals in our homes, we must take more responsibility for them than we do for our car. Not only is that the humane way to live, it is the law.

Endnotes

WV State Code: www.legis.state.wv.us/WVCODE/Code.cfm