

BROOKE COUNTY HORSE WELFARE ORDINANCE

Authority: Authority to prevent cruelty to animals, impose penalties for violations -W. Va. Code §7- 1-14; cruelty to animals, fines for animal cruelty- W. Va. Code § 61-8-19.

Purpose: To provide for the custody, care, and protection of horses so that they will not be abandoned, neglected or cruelly treated and to prevent said animals from becoming a public nuisance or risk to public health or safety or the environment. This ordinance defines the minimum standards of horse care to allow for proper sustenance, including food, water, shelter or medical treatment, necessary to sustain normal health and fitness of horses.

Section 1. Cruelty to Animals.

(a) No person shall cruelly mistreat, abandon or withhold proper sustenance, including food, water, shelter that protects from the elements, exercise or medical treatment, necessary to sustain normal health and fitness or to end suffering or abandon any animal to die, or ride an animal when it is physically unfit, or injure any animal for the purpose of making it perform for a person's amusement, or cruelly chain, tether or confine outside any animal or use, train or possess any domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal.

(b) **Exceptions.** Nothing in subsection (a) of this section shall be deemed to prohibit.

- 1) Any action by licensed veterinarian done in accordance with accepted standards of veterinary care;
- 2) Any action taken by a law enforcement officer pursuant to the interests of public health and safety;
- 3) Any act done in self-defense or done to defend another person or animal.

Section 2. Food, Water, Shelter, and Confinement Area

(a) **FOOD.** Horse must be fed an adequate diet to maintain proper body condition or adequate body weight. At a minimum, horses must be provided 1 ½ percent of their body weight in grass or hay per day. (Ex. a 1000 lb. horse with low energy requirements must have at least 15 lbs. of forage per day.) Energy requirements vary based on age (growth), pregnancy, lactation, or work level. Production and work load require more forage or concentrated feeds. Horse hay

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must be dry, palatable, and free of dust and mold. Horses must have access to mineral salt blocks.

Horses confined without available pasture to graze must be feed twice, daily at a minimum. Horses whose nutritional needs exceed the available forage need to be supplemented with concentrates. Concentrates are available in a variety of forms including sweet feed and pellets. This may require multiple small feedings per day. When feeding a group of horses, receptacles must be adequate for the number of horses so that each horse can obtain a sufficient amount of concentrate. Horses must have access to mineral salt blocks.

In general, an ideal body condition score is a 5 or 6 (as noted on the scale below). A body condition score of 3 or below must be examined by a veterinarian.

1. Poor.	Horse extremely emaciated; spinous processes, ribs, tailhead, hip joints and lower pelvic bones projecting prominently; bone structure of wither, shoulders and back easily noticeable; no fatty tissue can be felt.
2. Very Thin.	Horse emaciated; slight fat covering over base of spinous processes; transverse processes of lumbar vertebrae feel rounded; spinous processes, ribs, tailhead, hip joints and lower pelvic bones prominent; withers, shoulders and back structure faintly discernible.
3. Thin.	Fat buildup about halfway on spinous processes; transverse processes cannot be felt; slight fat cover over ribs; spinous processes and ribs easily discernible; tailhead prominent, but individual vertebrae cannot be identified visually; hip joints appear rounded but easily discernible; lower pelvic bones not distinguishable; withers, shoulders and neck accentuated.
4. Moderately Thin.	Slight ridge along back; faint outline of ribs discernible; tailhead prominence depends on conformation, fat can be felt around it; hip joints not discernible; withers, shoulders and neck not obviously thin.
5. Moderate.	Back is flat (no crease or ridge); ribs not visually distinguishable but easily felt; fat around tailhead beginning to feel spongy; withers appear rounded over spinous processes; shoulders and neck blend smoothly into body.
6. Moderately Fleshy.	May have slight crease down back; fat over ribs spongy; fat around tailhead soft; fat beginning to be deposited along the side of withers, behind shoulders and along neck.
7. Fleshy.	May have crease down back; individual ribs can be felt, but noticeable filling between ribs with fat; fat around tailhead soft; fat deposited along withers, behind

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	shoulders and along neck.
8. Fat.	Crease down back; difficult to feel ribs; fat around tailhead very soft; area along withers filled with fat; area behind shoulder filled with fat; noticeable thickening of neck; fat deposited along inner thighs.
9. Extremely Fat	Obvious crease down back; patchy fat appearing over ribs; bulging fat around tailhead, along withers, behind shoulders and along neck; fat along inner thighs may rub together; flank filled with fat.

(b) WATER. Horses must be provided with potable water in sufficient quantity to satisfy the individual horse's needs. Horses must be provided access to clean, fresh, potable water in a sanitary manner at least once every 12 hours. Water troughs, water containers and any automatic watering devices should be cleaned regularly and maintained in proper working order, with no sharp or abrasive edges. Snow or ice shall not be an adequate water source. Preferably, horses should have continuous access to water to allow for variance in consumption due to environmental temperature and humidity, diet, exercise level and/or lactation status in the case of mares. In such circumstances, special attention must be paid to ensure adequate water availability, access and intake to prevent dehydration.

The following table provides the minimum daily water requirements of horses.

Minimum Daily Water Requirement for Horses of Various Weights	Resting/Nor mal Environmental Temperature (41-71°F)	Heavy Workload (double to triple resting requirement)	Gestation/Lactation (add minimum of 30% to resting requirement)	High Heat and Humidity (double to triple resting requirement)
500-lb. horse	3 gallons per day	6 to 9 gallons per day	4 gallons per day	6 to 9 gallons per day
1,000-lb horse	6 gallons per day	12 to 18 gallons per day	8 gallons per day	12 to 18 gallons per day
1,500-lb horse	9 gallons per day	18 to 27 gallons per day	12 gallons per day	18 to 27 gallons per day
2,000-lb horse	12 gallons per day	24 to 36 gallons per day	16 gallons per day	24 to 36 gallons per day

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(c) SHELTER. Horses must be provided with adequate shelter to provide for their health and welfare, and must provide protection from the weather. A constructed shelter must be provided for times of extreme weather conditions to include: below freezing temperatures, excessively high temperatures and/or humidity, high winds, and excessive rainfall, regardless of the horses' age, breed or body condition. However, any horse that shows physical deterioration, loss of body condition or weight, or failure to adapt to the weather conditions (weight loss, lethargy, anorexia, wasting) must be provided with shelter adequate to stabilize their body condition without severe loss of weight, injury or illness.

The recommended floor space requirements for a horse are based on 2.5 times the height of the horse (at the withers) squared, which allows minimum essential movements in lying down and standing up. The horse should have at least 6 inches of clearance above the ears when standing in a natural position. Horses require lateral recumbency for sleep. Mares with foals require a larger area. Please see the recommendations for stall sizes in the table set forth below.

Minimum Space Standards for Confined Horses

Horse Height at Withers (4 inches per hand)	Stall Size (feet)
12 hands (48 inches or 4 feet)	10 X10 stall
15 hands (60 inches or 5 feet)	12.5 X 12.5 stall
16 hands (64 inches or 5.3 feet)	13.25 X 13.25 stall
18 hands (72 inches or 6 feet)	15 X 15 stall

(d) CONFINEMENT AREAS. Enclosures and shelters should be free of hazards that may cause injury to confined horses:

1. Excessive feces, urine, mud and/or other waste products must not be permitted to accumulate within the enclosure, shelter or grounds of the facility where the horse(s) is maintained. Clean and sanitary surroundings within the confines of any equine facility are essential for the health and welfare of the horses and to avoid unnecessary environmental contamination. The average horse creates 54 pounds of feces per day. The average horse voids 2.7 gallons of urine per day, with dramatic increases in urine output occurring as ambient temperature rises. The mixture of urine and feces produces noxious gases, including ammonia. Excessive buildup of feces, urine and other waste products within the housing enclosures or in and around the grounds of the facility is not acceptable under any circumstances. Indoor stalls and outdoor pen type enclosures must be cleaned of manure and other waste products daily. Larger paddocks and dry lots should be placed on a regular schedule for manure removal and ground maintenance. Pastures should have accumulated manure either removed or spread on a regular and

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recurring basis to lessen environmental impacts and to minimize intestinal parasite infestation. Manure attracts breeding flies and other insects which are both irritating and present health risks to animals and humans, alike. Care must be taken to prevent the manure buildup under fence lines, along the edges of shelters, under feeders and water devices, and along roadways and horse paths. Areas designated as collection areas for the temporary storage of animal waste and products before pickup and removal should be well maintained.

2. Standing water, mud or urine should be prevented from accumulating in housing enclosures by proper drainage or absorbent bedding materials. Standing ground surface water provides optimal breeding grounds for disease transmitting insects and for microbial contamination of the environment.
3. Areas where horses are groomed, shod or provided health care services should be kept as sanitary as possible. Barns, storage sheds, hay barns and other structures should be properly maintained to prevent injuries and maintain a healthy environment.
4. Ventilation in the enclosed areas should be sufficient to control ambient temperatures. Ideal ambient temperatures for horses range between 41 and 86 degrees Fahrenheit. At excessively high temperatures, horses increase their respiration rate and heart rate.
5. Fencing must be in good condition and material to reduce risk of injury.
6. Enclosures must be free of fire or electrical hazards such as exposed wires, damaged electrical sockets or light switches that could cause fire or electrocution. Light fixtures, switches and any wiring should be out of reach to horses.
7. Doors should be easily opened and of sufficient width as to allow the horse to freely walk through the door.
8. Flooring in the stall should be level and provide traction since excessively slipper floors can make movement, lying down and getting up difficult.

Section 4. Animal Care

(a) SANITATION. Feeding and water receptacles must be kept clean and free of contaminants. Confinement areas must be kept clean enough to protect animals from excessive moisture, waste, disease, and harmful contaminants.

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(b) FOOD AND WATER. Food and water receptacles must be accessible to each animal and located so as to prevent contamination by excreta.

(c) EXERCISE. Horses must have adequate space for daily exercise without danger of injury. Horses confined in stalls with minimal space should receive at least 30 minutes of free time (turnout) or 15 minutes of controlled exercise per day unless directed otherwise by a veterinarian.

(d) VETERINARY CARE. An effective program should be established and maintained for rabies and disease control prevention, and adequate veterinary care. Horses should appear alert and without obvious signs of unattended injury or illness. Horses exhibiting signs of pain, suffering or failure to thrive from any medical condition or injury must receive veterinary care within an appropriate time period.

1. Veterinary care for emergency situations must be obtained by horse owners as quickly as possible but certainly within a few hours of such a condition being discovered. Medical conditions that may cause pain include but are not limited to: colic, eye injuries, any injury or condition where the horse cannot bear weight on all four limbs or where the horse is not able to move, recumbent horses, or fevers.

2. Hoof care is essential in the basic care of all horses and should occur regularly. Geriatric horses and very young horses, and those with significant disabilities or orthopedic problems require more attention to hoof care. Hoof trimming must occur every 6 to 8 weeks to maintain proper hoof-patter alignment and foot balance. Horses with hoof abnormalities, conformational abnormalities or chronic lameness issues may need hoof trimming or attention more often. Some horses may need to be shod regularly to maintain comfort and soundness.

3. In foals, the hoof grows more rapidly, with 5/8 inch of new hoof wall produced monthly. Consequently, foals and weanlings should have their hooves trimmed monthly until at least 1 year of age. Foals, weanlings and yearlings with conformational issues may need specialized trimming and/or corrective shoeing to ensure proper limb growth and alignment. Dirt and debris must be removed from hooves twice weekly to reduce the chances of hoof infection.

4. Heath care procedures such as vaccinations and deworming are required as part of horse ownership. Vaccinations for prevention of tetanus, various forms of equine viral encephalitis, rabies and upper respiratory viruses should be provided.

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5. Dental care must be provided, especially to older horses. Teeth should be inspected yearly by an attending veterinarian.

6. A program to minimize the presence of flying insects is important to the health and well-being of both the human and animal residents on any property, as well as those living nearby. Flies, mosquitos, midges and other insects can transmit diseases and infect both animals and humans.

7. Horses should be groomed at least two times per week. If dirt and mud is allowed to accumulate on the coat, this reduces the insulating effect of the hair coat in cold environments resulting in increased metabolic need. In addition, dirt build-up can result in skin and fungal infections. Removing hair is necessary to avoid painful matting. Further, grooming may uncover lacerations or abrasions that require treatment.

(e) TETHERING. Horses must not be tethered for more than two hours at a time. While tethered, horses must be provided with water as well as shelter protection from the elements. This does not apply to horses in transit, in a vehicle, or in immediate control of a person. Halters used with tethering should not be so tight as to induce suffocation or choking and should be loose enough to allow chewing.

(f) TRANSPORT. It is unlawful to carry or cause to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhumane manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor.

1. Horses that are non-ambulatory, weak and/or debilitated, or those unable to bear weight on one or more legs must not be transported except to receive veterinary care.

2. Special precautions must be taken for the transport of pregnant mares nearing the time of foaling or of horses that are blind in both eyes. They should not travel in vehicles containing groups of horses that are mixed together within a van, truck or trailer that does not provide physical barriers or partitions between horses to protect them from injury by other horses in the transport vehicle.

3. Transport vehicles for horses must be safe and maintained in working conditions, including proper ventilation, floors, doors and latches.

4. Horses must not be transported continuously for durations longer than 28 hours.

5. Minimum space allocation per horse in a transport vehicle is at least 15 square feet for light horse breeds that are tied or in individual compartments, and 12 square feet per horse for loose horses traveling in

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small groups.

6. Horses that become non-ambulatory, recumbent or injured during transport must immediately be segregated from other animals and appropriate attention be given to their needs. No down or weak horse during unloading should be dragged, hoisted or dropped causing injury or pain. Electric prods should not be used during loading or unloading, except in the case of extreme emergencies of human or horse safety whereby other means are not available.

Section 5. Jurisdiction

The Magistrate Court of Brooke County and the Circuit Court of Brooke County shall have concurrent jurisdiction with respect to misdemeanors under this ordinance.

Section 6. Enforcement; Penalties for Violation of §§ 1, 2, 3, 4.

(a) Enforcement

1) First offense: Any humane officer or law enforcement officer who determines an animal is being kept in violation of any section of this ordinance shall issue a warning to the owner or guardian of the animal or property owner on which the violation is present. The owner or guardian will be given a reasonable amount of time to correct the violation, not to exceed 72 hours.

2) Second Offense: If, after receiving a warning, the animal continues to show evidence of cruelty or inhumane treatment as set forth in this ordinance, the owner or guardian of the animal shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than three hundred nor more than two thousand dollars.

3) Additional Offense(s): For each subsequent offense, the owner shall be punishable by a fine of not less than three hundred nor more than two thousand dollars. In addition, any humane officer or law enforcement officer may, on or after the third offense, take into custody, upon either private or public property, an animal which clearly shows evidence of cruel or inhumane treatment as set forth in this ordinance.

(b) In addition to the fines and penalties imposed by this section, any defendant convicted of a violation under this ordinance shall pay the Brooke County Animal Shelter or other animal care provider, as a penalty, all reasonable expenses incurred for the care, treatment, and boarding of any animal taken into custody pursuant to this ordinance.

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Section 7. Effective Date

This ordinance will take effect on 11/19/19.