

COLORADO DEPARTMENT OF AGRICULTURE

Animal Industry Division

Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act

8 CCR 1201-11

1.00 DEFINITIONS AND ABBREVIATIONS

- A. "PACFA" - the Pet Animal Care and Facilities Act, §§ 35-80-101 through 117, C.R.S. (1999 Supp.).
- B. "Commissioner" - the Colorado Commissioner of Agriculture.
- C. "Department" - the Colorado Department of Agriculture.
- D. "facility" - those portions of all buildings, yards, pens, and other areas at a single location in which any animals are kept, handled, or transported for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading or otherwise transferring animals.
- E. "person" - an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust; partnership, or association, or any other legal entity.
- F. "water resistant" - that which repels water. The following materials and substances shall be considered water resistant: painted or sealed wood surfaces; sealed concrete; sealed cement blocks; stainless steel; vinyl flooring; glass; treated or sealed paneling; fiberglass; tile; tile blocks; and other materials approved by the Commissioner on a case by case basis after demonstrating that the material is water resistant.
- G. "isolation" - the separation, for the period of communicability, of infected animals from others in such place and under such conditions as to prevent the direct or indirect conveyance of the infectious agent from those infected to those which are susceptible or which may spread the agent to others.
- H. "isolation area" - a place separate where conditions can be established to adequately control or contain modes of transmission of disease such as (but not limited to) contamination with feces and bodily secretions, fomites, and arthropod vectors.
- I. "isolation room" - same as isolation area above but a contained environment separated with full walls and doors, having a separate air environment exhausting outside with no admixture in the general circulation.
- J. "Ferret hobby breeder facility" - any facility which transfers no more than twenty-four ferrets per year or breeds no more than two litters per year, whichever is greater.

- K. "sell, transfer, or adopt underage animals" - the acceptance by a licensee or exchange between licensees of underage animals which have been abandoned or relinquished shall not constitute a sale, transfer, or adoption for the purposes of PACFA § 35-80-108. In such acceptance or exchange, the underage animals shall be kept with the dam, whenever possible.
- L. "zoological park" - a facility accredited by the American Zoo and Aquarium Association and/or licensed as a zoological park pursuant to § 33-4-102(13)(a), C.R.S., as amended.
- M. "research institute" - a governmental or private institution that uses or intends to use live animals in research, tests, or experiments for scientific investigation or in a systematic search for facts.
- N. "nonhuman primate" - all animals in the families Lemuridae, Indriidae, Daubentoniidae, Lorisidae, Tarsiidae, Cebidae, Callithricidae, Cercopithecidae, and Pongidae.

2.00 APPLICATION FOR LICENSURE AND CONDITIONS FOR LICENSURE

- A. Any person operating a pet animal facility as defined in § 35-80-102(11) of PACFA must have a valid license issued by the Commissioner in accordance with PACFA and these rules and regulations.
- B. Any person seeking a license under PACFA shall apply on a form furnished by the Commissioner. The applicant shall provide all information requested on the form, including, but not limited to, a valid mailing address through which the applicant can be reached, and a valid premises address where animals, animal facilities, and records are located. All premises, facilities, or sites where an applicant operates or keeps animals shall be shown on the application form. The application shall be filed with the Commissioner and must be accompanied by the appropriate fee, as set forth in Section 4.00 below.
- C. An applicant shall obtain a separate license for each separate physical facility requiring a license by PACFA.
- D. Pursuant to § 35-80-103(2), the following are exempt from the licensing fees and inspection requirements of PACFA and these rules and regulations:
 - 1. Any veterinary hospital which boards pet animals for the purpose of veterinary care only and does not actively solicit boarding in any way;
 - 2. Any research facility, circus, or publicly or privately owned zoological park or petting zoo, licensed or registered under the provisions of the federal "Animal Welfare Act of 1970," 7 U.S.C. § 2131, et seq., as amended;
 - 3. Any bird hobby breeder facility as defined in § 35-80-102(1) of PACFA, canine hobby breeder as defined in § 35-80-102(2), feline hobby breeder facility as defined in § 35-80-102(8), small animal hobby breeder facility as defined in § 35-80-102(12), or any other hobby breeder facility as defined in Section 1.00 above;
 - 4. Any pet animal training facility where the pet animal owner or such owner's designee, other than a training facility operator, is present during the duration of the animal's stay;

5. Any kennel operated for the breeding or sale or racing of racing greyhounds that are not intended to be companion pets;
 6. Any facility licensed pursuant to Article 60 of Title 12, C.R.S. for the racing of greyhounds;
 7. Any wildlife regulated by the Colorado Division of Wildlife or the Colorado Department of Natural Resources; and
 8. Livestock, as defined in § 35-80-102(9) of PACFA. For the purposes of PACFA, pigeons shall be considered livestock, specifically, poultry.
 9. Any owner, breeder, handler, or trainer while exhibiting or competing at any event licensed, regulated, or sanctioned by the American Kennel Club, United Kennel Club, or any other nationally recognized registering organization.
- E. A license shall be issued to any applicant who has met the requirements of PACFA, paid the required annual license fee, and passed the application inspection or annual inspection, except as set forth in § 35-80-112 of PACFA and Section 9.00 below.

3.00 FACILITY LICENSE REQUIREMENTS

- A. Each applicant for a pet animal facility license shall submit an application providing all required information in the form and manner required by the Commissioner.
- B. Each location of a pet animal facility shall be separately licensed. The classifications of licensure are: Retail and Wholesale Pet Animal Dealership; Dog Breeder Facility; Bird Breeder Facility; Cat Breeder Facility; Pet Grooming Facility; Pet Animal Boarding and/or Training Facility; Animal Rescue Facility; Animal Shelter; Small Animal Breeder Facility; and Ferret Breeder Facility.
- C. If a pet animal facility operates under more than one business name from a single location:
 1. No additional pet animal facility license shall be required for the different business names;
 2. The pet animal facility operator must maintain separate records pursuant to § 35-80-107 and to these rules and regulations for each business name; and
 3. The name of each business providing services that are related to those of a pet animal facility shall be listed with the Commissioner on the application in the form and manner designated. The Commissioner may require that a separate fee be paid for each such business name.
- D. If a pet animal facility operates more than one business from a single location, which businesses would constitute more than one classification of licensure:
 1. The classification of licensure issued shall be that which has the highest annual fee.

2. In the event the annual fees are the same, the classification of licensure issued shall be that to which the licensee devotes the majority of the licensee's facility space.
 3. Each business operated, no matter the classification of licensure held, shall comply with all rules and regulations pertaining to each classification which would correspond to the business. For example, a pet animal boarding facility holds a Pet Animal Boarding Facility license, but from the same location performs grooming services. Such facility must comply with both the Pet Animal Boarding Facility rules and regulations and the Pet Grooming Facility rules and regulations; the boarding business regulated by the former and the grooming business regulated by the latter.
- E. Licenses issued pursuant to PACFA and these rules and regulations shall not be transferable.
- F. A license issued under PACFA and these rules and regulations shall be valid unless.
1. The license has been revoked or suspended pursuant to § 35-80-112 of PACFA and Section 9.00 of these rules and regulations;
 2. The license is voluntarily surrendered by written request of the licensee to the Commissioner, and such surrender is accepted by the Commissioner;
 3. The license has expired or has otherwise terminated by operation of law as set forth in § 35- 80-106 and Section 3.00 G of these rules and regulations; or
 4. The applicant or licensee failed to pay the license fee or the instrument of payment was returned from the bank.
- G. There will be no refund of fees if a license is invalidated for any reason before its expiration.
- H. All licenses shall expire each year on the first working day of March and will automatically terminate at midnight April 1. If the renewal application is not postmarked on or before the first working day of March for the year of renewal, a penalty fee of 10 percent (10%) of such renewal fee will be assessed. No license shall be renewed until the renewal fee and any penalty fee are paid. Any person whose license has been automatically terminated shall not conduct any activity for which a license is required by PACFA until all requirements for issuing such license have been met and a valid license has been duly issued.
- I. Any person who seeks reinstatement of a license that has been automatically terminated must follow the procedures required of new applicants for a license, as set forth in Section 2.00.
- J. A license which is invalid under PACFA and Section 9.00 of these rules and regulations shall be returned to the Commissioner. If the license cannot be found, the licensee shall provide a written statement to the Commissioner so stating.

4.00 LICENSE FEES

- A. In addition to the application for a license or a license renewal, each applicant or licensee shall submit to the Commissioner an annual license fee and the fee for any additional business name as set by the Commissioner.

- B. Any applicant whose check is returned by the bank will be referred to collections through the State's collections process. An application or renewal which is accompanied by a check that is returned by the bank will be deemed an incomplete application or renewal, and no license will be issued.
- C. If the license fee for a public animal shelter is overly burdensome, a public animal shelter may petition the Commissioner yearly, at each application, in written form, to waive said fee.
- D. The PACFA license fees shall be:
 - 1. Pet Retail/Wholesale \$280;
 - 2. Aquarium only \$225;
 - 3. Pet Boarding/Training \$280;
 - 4. Network Pet Boarding Facility \$180;
 - 5. Pet Handler \$80;
 - 6. Pet Grooming \$225;
 - 7. Pet Animal Shelter \$280;
 - 8. Dog Breeder Small Scale Operation \$250;
 - 9. Dog Breeder Large Scale Operation \$280;
 - 10. Cat Breeder \$225;
 - 11. Common Bird Breeder \$80;
 - 12. Uncommon Bird Breeder \$180;
 - 13. Small Animal Breeder \$250;
 - 14. Pet Animal Rescue \$80.

5.00 ANNUAL REPORT BY LICENSEE

Each year, within thirty (30) days prior to the expiration of every license (the first working day of March), the licensee shall file with the Commissioner an application for license renewal and the appropriate fee. The following facilities shall also submit an annual report on form(s) furnished by the Commissioner: dog breeder facility, bird breeder facility, cat breeder facility, animal shelter, animal rescue, ferret breeder facility, and small animal breeder facility.

6.00 COPIES OF RULES AND REGULATIONS

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A copy of PACFA and these rules and regulations will be available to all applicants, upon request, and at the expense of the applicant.

7.00 NOTIFICATION OF CHANGE CONCERNING LICENSURE INFORMATION

A licensee shall promptly notify the Commissioner by mail of any change in the name, address, substantial control or ownership in the operation of the licensed business, or of additional sites, within fifteen (15) days of the change.

8.00 ACTIVITY BY PERSONS/FACILITIES WHOSE LICENSES HAVE BEEN SUSPENDED OR REVOKED

- A. Any person whose license has been suspended or revoked shall not conduct any activity for which a license is required by PACFA during the period in which the suspension or revocation is in effect.
- B. Any person whose license has been suspended or revoked may apply in writing to the Commissioner for reinstatement of that person's license.

9.00 DISCIPLINARY ACTIONS AND DENIAL OF LICENSURE

- A. A license will not be issued to any applicant who:
 - 1. Is not in total compliance with PACFA and these rules and regulations, including payment of fees.
 - a. An initial applicant for licensure will be allowed a maximum of three (3) inspections within a time period to be determined by the Commissioner. Failure of these three inspections will result in denial of licensure, requiring the applicant to reapply. The initial license fee shall not be returned upon denial of licensure, and any subsequent reapplication(s) shall be accompanied with the proper license fee.
 - b. An initial applicant shall not conduct any activity for which a license is required by PACFA until such license is issued.
 - c. Subsequent applications by a person who has been denied a license under this Section shall be considered as an initial application, subject to the provisions of Section 2.00 above.
 - d. Persons denied a license under this Section may reapply after twelve (12) months from the date of the last failed inspection.
 - e. Any applicant whose initial license has been denied may request a hearing in accordance with PACFA and the State Administrative Procedure Act for the purpose of showing why the application should not be denied. If the license denial is upheld, the applicant may reapply for licensure twelve months from the date of the denial.

2. Has had a license revoked within the prior two years or is currently under suspension.
- B. In addition to those grounds set forth in § 35-80-112 of PACFA, the Commissioner may issue letters of admonition, deny, suspend, refuse to renew, restrict, or revoke any license for the following grounds:
1. Submitting falsified information or making a material and deliberate misstatement on the application for any original license or for any renewal license, including, but not limited to, failing to identify all facilities, failing to provide full violation history, or providing a false name or address.
 2. Making false or fraudulent statements or providing false or fraudulent records to the Commissioner.
 3. Having been fined, sentenced to jail, convicted, or having entered a plea of guilty or plea of no contest under any local, state or federal law pertaining to the importation or capture of animals, or cruelty, neglect or abuse of animals.
 4. Failure to comply with any provisions of these rules and regulations.
 5. Refusal to allow the inspector designated by the Commissioner free and unimpeded access upon consent or upon obtaining an administrative search warrant to inspect those portions of all buildings, yards, pens, and other areas in which any animals are kept, handled, or transported for the purpose of carrying out any provision of PACFA or these rules and regulations and to all records required to be kept and may make copies of such records for the purpose of carrying out any provision of PACFA or these rules and regulations.
 6. Failure on three (3) reinspections for an original violation within a single license year.

10.00 INSPECTIONS

- A. All facilities licensed under PACFA may be inspected upon application, routinely thereafter, and upon a complaint to the Commissioner or the Department about a particular facility. The validity of the complaint will be determined by the Commissioner.
- B. All licensees or applicants for licensure or license renewal must make their respective facilities, animals, and records available for inspection during business hours or at other times mutually agreeable, in writing, to the Commissioner. The licensee or applicant shall also provide the inspector with sufficient space to examine records and write the inspector's report. If the licensee's or applicant's facilities, animals, procedures, or records do not meet the requirements of PACFA or these rules and regulations, the licensee or applicant will be advised in writing of existing deficiencies and the corrective measure that must be completed in a timely manner to be in compliance with PACFA and these rules and regulations. The licensee or applicant shall submit a written plan to complete the required corrective measures. Failure on three (3) reinspections for an original violation within a single license year shall constitute an additional ground for discipline, as defined in Section 9.00 immediately above.

- C. Should the licensee require the inspector to wear special clothing, or to perform special sanitization measures beyond those specified in the rules and regulations that follow, the licensee shall provide all such special clothing or special sanitization measures at the licensee's own expense.
- D. Each licensee shall keep and maintain records in the form and manner designated by the Commissioner. Such records shall be retained for a period of two years and shall be kept at the address specified in the license application.
- E. An applicant for a license or a licensee shall not interfere with, threaten, abuse (including verbal abuse), or harass any inspector, or state or federal official while such inspectors or officials are carrying out their duties.
- F. Refusal to allow reasonable access for routine inspection or complaint investigation may result in a failed inspection and the use of an administrative search warrant.

11.00 RETAIL AND WHOLESALE PET ANIMAL DEALERSHIP REGULATIONS

A. FACILITY STANDARDS

1. Definition of Pet Animal Dealership. "Pet animal dealership" as used herein means any place or premise used in whole or in part, whether on a permanent or temporary basis, for the sole or exclusive purpose of either wholesale commerce or retail sale, trading, bartering, or otherwise transferring pet animals to the public.
 - a. Licensure for retail and wholesale pet animal dealerships. There shall be one subclassification for pet animal dealerships:

Retail Aquarium Only Pet Animal Dealerships: Facilities that trade, sell, barter, or otherwise transfer only fish or other aquatic pet animals, not including reptiles and amphibians, to the public. The determination of licensing of facilities within this subclassification shall be at the sole discretion of the Commissioner.
 - b. Bird hobby breeders, canine hobby breeders, feline hobby breeders, and small animal hobby breeders who do not transfer pet animals in excess of the limits established in PACFA § 35-80-102 or ferret hobby breeders who do not transfer over 24 ferrets per year shall not be considered a pet animal dealership.
 - c. In addition to the traditional pet shop or wholesaler, pet animal dealerships shall include the keeping for transfer or the transfer of pet animals at temporary facilities ("temporary pet animal dealerships") such as flea markets, mobile facilities, department stores, merchandise outlets, discount outlets, pet animal shows conducting a sale, and other types of retail outlets.
2. License Requirements:
 - a. No person shall operate a pet animal dealership unless the person holds a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall

commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.

- b. Any person who imports or causes to be imported any pet animal for the purpose of sale, resale, trade, or barter shall be licensed pursuant to PACFA.
- c. A pet animal facility operating a mobile adoption site must be either licensed as a shelter or rescue, or as a pet animal dealership.
- d. On the application for licensure, temporary pet animal dealerships shall identify themselves as such and shall provide a street address for each place or premise at which they keep or transfer pet animals.
- e. A mobile or temporary pet animal facility shall keep and maintain a set of standard operating procedures, including but not limited to, schedules and methods for feeding and watering, plans to maintain heating and cooling requirements, plans for cleaning and disinfection, plans for hand washing and as needed plans to comply with all other facility requirements within the physical facility, sanitation standards, food and water, and classification and separation standards of retail and wholesale pet animal dealerships. Mobile or temporary pet animal facilities must demonstrate the ability to meet all of the requirements of a permanent facility and must be able to maintain the health and welfare of the animals being transferred.
- f. A mobile or temporary pet animal facility shall limit the number and type of animals available for sale or transfer to comport with standard operating procedures and facility requirements.

3. Structural Plan Evaluation:

- a. Plan Submission. Detailed plans and specifications shall be submitted to the Department whenever it is proposed to erect or extensively remodel any pet animal dealership, specifically any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans pertaining to upgrades which are only electrical or plumbing in nature will not require a plan submission. Each pet animal dealer or person intending to become a pet animal dealer shall be responsible for submitting all plans and specifications. Plans shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction can begin and final approval of the constructed facility is necessary before operation can start.
- b. Plan Specification Content Requirements. Final plans and specifications shall comply with these rules and regulations and shall include schedules describing the ventilation system, plumbing fixtures and floor, wall, and ceiling finishes. Plans need not be professionally drawn, providing the plans are legible, drawn or sketched to consistent scale, with dimensions indicated, accurately depicting the intended construction or remodeling.

- c. Temporary pet animal dealerships are exempt from the requirements to submit plans to the Department. They shall, however, comply with the standards set forth in these rules and regulations. Temporary pet animal dealerships shall notify the Commissioner in writing 10 working days in advance of all scheduled dates of sales and the corresponding sales location(s).

4. Physical Facility Standards:

- a. Structural Standards. Each pet animal dealership shall:
 - (1) Be constructed of building materials that will ensure the establishment of a sound physical structure.
 - (2) Be maintained in good repair.
 - (3) Protect animals kept there from injury, restrict entry of other animals from outside and ensure containment of animals within the pet animal dealership.
- b. Interior Building Surfaces. Interior building surfaces, including walls, ceilings, and floors, shall be constructed so as to be water resistant and capable of being readily cleaned and maintained. Any request for exception to this provision by a temporary pet animal dealership shall be made by petition to the Commissioner.
- c. Electric Power. Electric power shall be provided. Any request for exception to this provision by a temporary pet animal dealership shall be made by petition to the Commissioner.
- d. Water. Potable water for drinking purposes shall be provided, with a back flow prevention device installed on any threaded faucets where hoses may be attached for cleaning the facility or on the main water line serving the facility. Any request for exception to this provision by a temporary pet animal dealership shall be made by petition to the Commissioner.
- e. Washrooms and Sinks. Readily accessible washrooms or sinks shall be provided, convenient to all work areas, to ensure maintenance of personal hygiene by animal caretakers. A sink in good repair shall be provided for washing and sanitizing equipment and utensils. Single service soap and towel dispensers must be available at all hand washing sinks. Any request for exception to this provision by a temporary pet animal dealership or a fish store shall be made by petition to the Commissioner.
- f. Heating and Cooling. Housing for pet animals shall be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health. The ambient temperature shall be consistent with the requirements of the specific pet animals. Heating shall be deemed necessary when the inside ambient temperature of the facility falls below 50 degrees Fahrenheit for a period of 4 consecutive hours and cooling shall be deemed necessary when the temperature of the facility rises above 85 degrees Fahrenheit.

- g. Ventilation. All facilities housing pet animals shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means. The necessary equipment or comparable means shall be provided to exhaust the air from the animal area to outside of the building.
- h. Lighting. Uniformly distributed natural and/or artificial lighting shall be provided to permit routine inspection and to facilitate routine cleaning and the proper care and maintenance of the pet animals. Lighting shall be so arranged as to protect each animal from excessive illumination.
- i. Sewage Disposal. Sewage and waste shall be disposed of by connection of drains to a sanitary sewer or a state, county or locally approved sewage disposal system. Drainage systems shall be provided with back flow prevention devices on submersible inlets and hair traps, if required by law, on all plumbing lines in animal areas where hoses may be attached for cleaning of the facility.
- j. In-house Grooming Facilities. When a grooming service is offered by the pet animal dealership, the grooming work area shall be physically separated from primary animal enclosures, animal food storage areas, and isolation areas for housing sick animals. Any request for exception to this provision by a temporary pet animal dealership shall be made by petition to the Commissioner.
- k. Isolation Area. All pet animal dealerships must have an isolation area where animals that are infected with a contagious disease or are suspected of being infected will be segregated from the rest of the pet animal population. Unless a specific exemption is obtained from the Commissioner the isolation area shall be a separate room with separate ventilation.
- l. Any animal boarded in a licensed retail facility shall be physically separated from sale animals.

B. PET ANIMAL PRIMARY ENCLOSURE STANDARDS

1. Definition:

Primary enclosures are those animal enclosures in which the animal normally rests or sleeps (also referred to as temporary housing).

2. Structural Requirements:

- a. General. Primary enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them, and to keep predators out. Primary enclosures shall be constructed such that they can be routinely maintained to allow animals to stay dry and clean (as appropriate for the species) and to provide convenient access to clean food and water. Primary enclosures shall provide all environmental conditions necessary for health and safety, as appropriate for the species.

- b. Cage/Kennel Floors. The floor of the primary enclosure shall be constructed to prevent injury to the animals' feet and legs. Excluding reptiles and amphibians, enclosures for pet animals may have wire flooring provided that the wire is of adequate gauge to prevent sagging under the animals' weight and the mesh is small enough to prevent the animals' feet from passing through.
- c. Cleaning Requirements. All the surfaces of the primary enclosure must be constructed of a material that is water resistant and can be cleaned and sanitized.
- d. Space Requirements. All primary enclosures shall allow each pet animal to turn around, exercise normal postural movements, and to experience or avoid socialization with cage mates. The following minimum space requirements shall be met:

(1) CATS:

Size	Weight (lbs.)
Small	2-5
Medium	6-10

Area (sq. ft.)	Number of Animals		
	Small	Medium	Large
2	3	2	1
3	6	3	2
4	10	4	3

- (a) If the floor of the primary enclosure is constructed of wire, a solid resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants at the same time must be provided.
- (b) A solid resting surface or surfaces must be provided in any primary enclosures for cats. The resting surface must be elevated high enough that a cat can fit underneath. For primary enclosures with a solid floor, a hooded litter box is satisfactory as a resting surface.
- (c) If a litterbox is utilized which is not hooded, the space taken by the litterbox shall not be included in the calculation of total area. (For example, a requirement of 2 sq. ft. would be 2 sq. ft. plus the space taken by the litterbox.)
- (d) The height of the primary enclosure shall be such that the cat can stand up and exercise normal postural movements.
- (e) Minimum space requirements for cats weighing over 10 pounds will be determined by the Commissioner on an individual basis.

(2) DOGS

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<u>Size</u>	<u>Weight (lbs.)</u>
X-Small	0-4
Small	4 -10
Medium	11-20
Large	21-30

Number of Animals				
<u>Area (sq. ft.)</u>	<u>X-Small</u>	<u>Small</u>	<u>Medium</u>	<u>Large</u>
4	3	2	1	None
5	4	2	2	1

- (a) The height of the primary enclosure shall be such that the dog can stand up and exercise normal postural movements.
- (b) Enclosures may have grated flooring provided that the grated material is of adequate gauge to prevent sagging under the weight of the animals. In the event that a dog's feet are small enough to pass through the grated flooring or the dog displays discomfort in standing on the grated surface, then each primary enclosure shall contain a solid resting surface. Solid resting surfaces shall be water resistant, be able to be easily cleaned and sanitized, and shall be one sq. ft. minimum for small and medium dogs, and two sq. ft. minimum for large dogs.
- (c) Minimum space requirements for dogs weighing over 30 pounds will be determined by the Commissioner on an individual basis.
- (d) Doubling of the minimum space requirements permits doubling of the number of small, medium and large dogs, respectively, that can be housed therein.
- (e) The licensee shall document in writing and keep on file while the dog is in the facility evidence of the exercise of puppies that are over 16 weeks of age or over 12 inches in height at the shoulders.

(3) RABBITS

<u>Size</u>	<u>Weight (lbs.)</u>
Small	≤2
Medium	2-5
Large	5-12

Number of Animals			
<u>Area (sq. ft.)</u>	<u>Small</u>	<u>Medium</u>	<u>Large</u>
2.5	4	2	0
4	8	4	1
6	12	6	2

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- (a) The minimum height of the primary enclosure shall be 14 inches.
- (b) The floor of the rabbit's primary enclosure shall be constructed of material that prevents pododermatitis (foot problems) and that can be adequately cleaned and sanitized.
- (c) No aquariums shall be used. In the event of new technology which affords ventilation of the aquarium, the licensee may petition the Commissioner for an exemption to this provision.
- (d) Cedar shavings shall not be used as a litter material.

(4) GUINEA PIGS

<u>Size</u>	<u>Weight (gms.)</u>
Small	≤ 350
Medium	351-700
Large	≥ 701

<u>Number of Animals</u>			
<u>Area (sq. in.)*</u>	<u>Small</u>	<u>Medium</u>	<u>Large</u>
288*	4	3	2
360*	6	4	3
432*	7	5	4
624*	10	7	6

- (a) The minimum height of the primary enclosure shall be 12 inches for retail dealerships and 7 inches for wholesale dealerships.
- (b) Guinea pigs shall only be housed in primary enclosures with a solid floor. Cedar shavings will not be used as a litter material.

(5) HAMSTERS AND GERBILS

<u>Size</u>	<u>Weight (gms.)</u>
Small	< 60
Medium	61-100
Large	> 100

<u>Number of Animals</u>			
<u>Area (sq. in.)*</u>	<u>Small</u>	<u>Medium</u>	<u>Large</u>
288*	29	18	15
360*	36	22	19
432*	43	27	23
624*	62	39	32

- (a) The minimum height of the primary enclosure shall be 5 1/2 inches for dwarf species. For all other animals, the minimum height of the primary enclosure shall be 12 inches for retail dealerships and 6 inches for wholesale dealerships.

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- (b) Hamsters and gerbils shall only be housed in primary enclosures with a solid floor. Cedar shavings will not be used as a litter material.

(6) RATS

Size	Weight (gms.)
Small	< 100
Medium	101-300
Large	> 301

Area (sq. in.)*	Number of Animals		
	Small	Medium	Large
200*	16	12	8
288*	24	18	12
360*	30	22	15
432*	36	27	18
624*	52	39	26

- (a) The minimum height of the primary enclosure shall be 7 inches, however, the animals shall be able to reach food and water.
- (b) Rats shall only be housed in primary enclosures with a solid floor. Cedar shavings will not be used as a litter material.
- (c) Minimum space requirements for rats over 500 grams will be determined by the Commissioner on an individual basis.

(7) MICE

Size	Weight (gms.)
Small	≤ 15
Medium	16-25
Large	> 25

Area (sq. in.)*	Number of Animals		
	Small	Medium	Large
200*	50	40	33
288*	72	58	48
360*	90	72	60
432*	108	86	72
624*	156	125	104

- (a) The minimum height of the primary enclosure shall be 51/2 inches.
- (b) Mice shall only be housed in a primary enclosure with a solid floor. Cedar shavings will not be used as a litter material.

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* Minimum space requirements (area measured in sq. in.) figures for guinea pigs, hamsters and gerbils, rats, and mice are equivalent to standard aquarium sizes as follows: 10, 20 high, 20 long, 30, and 55 gallon.

(8) FERRETS

<u>Cage Dimensions</u>	<u>Length (in.)</u>	<u>Width (in.)</u>	<u>Height (in.)</u>	<u>Area (sq. in.)</u>	<u>Area (sq. ft.)</u>	<u># of Animals</u>	<u>Comments</u>
<u>Cage Type</u>							
Small	24	12	14	288	2	3	
Medium	24	24	14	576	4	6	
2-story	24	24	16	864	6	9	Single sleeping platform
3-story	24	24	34	1152	8	12	2 sleeping platforms
55 gal.	48	13	20	624	4.3	10	Screen top aquarium

- (a) The minimum space and housing requirements for ferrets over 4 months of age will be determined by the Commissioner on an individual basis.
- (b) A single sleeping platform is equivalent to 288 sq. in. of floor space. A hammock may be utilized as a sleeping platform.
- (c) Cedar shavings will not be used as a litter material.
- (d) Ferret Cages. Primary enclosures for ferrets when constructed using a steel mesh shall be of small enough mesh to prevent humans from putting their fingers into the cage and to prevent the ferret from being able to get its snout through the mesh. Other suitable cage designs are subject to approval by the Department. If enclosures do not meet these standards there must be a sign attached to the enclosure stating that ferrets may bite.

(9) CHINCHILLAS

<u>Cage Dimensions</u>	<u>Length (in.)</u>	<u>Width (in.)</u>	<u>Height (in.)</u>	<u>Area (sq. in.)</u>	<u>Area (sq. ft.)</u>	<u># of Animals</u>	<u>Comments</u>
<u>Cage Type</u>							
Small	24	12	14	288	2	2	
Medium	24	24	14	576	4	3	
2-story	24	24	16	864	6	4	Single perching platform
3-story	24	24	34	1152	8	6	2 perching platforms

- (a) The minimum height of the primary enclosure shall be 12 inches.
- (b) There must be a sleeping house and sufficient space within the primary enclosure for a dust bath bowl. Dust bath must be provided to the chinchilla at least once weekly or more often if needed.

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- (c) Cedar shavings will not be used as a litter material.
 - (d) A single perching platform is equivalent to 288 sq. in. of floor space.
 - (10) Minimum space requirements for exotic animals such as hedgehogs, spiny mice, deer mice, etc. will be determined by the Commissioner on an individual basis.
- 3. Specialty Enclosures:
 - a. Display Cases. Display cases may be utilized as primary enclosures during the workday; however, animals may not be kept in display cases overnight unless the display case also meets the requirements of and functions as a primary enclosure.
 - (1) Display cases must be constructed of a material that is water resistant and can be cleaned and sanitized.
 - (2) Display cases must be well constructed and kept in good repair.
 - (3) The area around the display case must be well ventilated to prevent odor buildup.
 - b. Bird Cages. Primary enclosures for birds (cages) shall be maintained in good repair and constructed of metal or other water resistant material which can be cleaned and sanitized.
 - (1) Minimum Space Requirements
 - (a) The cage must be large enough to provide full body extension without contact with the confines. The cage must be wide enough in at least one direction to accommodate completely stretched wings.
 - (b) A single well-placed perch may be adequate for Psittacines ie., the bird can stand completely upright on the perch without having the head contact the ceiling of the cage and at the same time not having the tail contact the floor or grate. For those species, such as Finches, Canaries, etc. that prefer flying or jumping to climbing, two perches, one at each end of the cage, must be provided. Perches must be strategically placed to prevent droppings from contaminating other birds and the birds' food and water and to also prevent the bird's tail from coming into contact with the food and water.
 - (c) Minimum space requirements for multiple birds housed temporarily depends on the calculated Housing Density Factor

and the overall length of the bird as measured from the tip of the tail to the top of the head.

The following calculation will be used to determine the number of birds that can be housed in a given cage:

$L \times W \times H \div \text{Density Factor} = \text{total length of birds permitted}$. Total length of birds permitted \div length of bird = number of birds allowed in that size cage.

Housing Density Factor Table:

<u>Species</u>	<u>Each bird's overall length (in.)</u>	<u>Density Factor</u>
Finch	3	60
Parakeet	≤8	50
Cockatiel	9-12	60
Cockatiel-type	9-12 (heavier body)	75
Amazon	13-24	325
Cockatoo	25-35	800
Macaw	34-45	1400

Cage measurements are based on the actual living space and do not include T-stands or perches attached to the outside of the cage or the space -below the cage grate.

- (d) For birds housed over 60 days, the Density Factor should be doubled for birds 12 inches in overall length or more. For birds housed over 90 days, the Density Factor shall be doubled for birds 12 inches in overall length or less.
 - (e) All cage accessories (ladders, toys, perches, etc.) made of unsealed wood shall be cleaned daily and replaced as often as necessary to maintain sanitary conditions.
 - (f) For regulations pertaining to breeding birds see Section 13.00.
 - (g) Birds shall be routinely groomed as needed.
- c. Outdoor Aviaries. The size, shape, and design of the cages shall be appropriate for the species being housed and shall allow space, without overcrowding, for the normal exercise requirements of each bird. Flight cages shall be constructed to prevent injury to birds. A covered portion of each cage shall be provided where birds can avoid direct sunlight or adverse weather conditions and commingling with noncaptive animals.
- d. Freshwater Fish. The primary enclosure for freshwater fish is an aquarium, fish tank, or pond. The size of the aquarium is determined by the size, number and behavioral characteristics of the fish. The number of fish kept in the aquarium

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can be increased substantially by frequent water changes and/or auxiliary filtration.

- (1) Aquariums and ponds can be constructed of glass, plastic, acrylic, wood, or metal. Ponds can be constructed of materials such as rubber, fiberglass, rock, concrete and similar materials.
- (2) Aquariums and ponds shall be in good repair and maintain adequate water levels to sustain aquatic life.
- (3) Aquarium lids, constructed from glass or plastic, can be used to keep dust out and prevent fish from escaping. When aquarium lids are used they should not provide an airtight barrier.
- (4) Substrate. Quartz gravel or epoxy-coated rock chips or pebbles should be used as the filter bed material to cover the bottom of the freshwater aquarium if an underground filter is utilized. Filter-bed material will be a minimum of 1 inch thick across the entire bottom of the aquarium.
- (5) Filtration Systems. Filtration systems will be employed to remove the waste products produced by the fish and to enhance the quality of the water and shall include individually or in combination biological, mechanical and chemical types.
 - (a) Common types of filtration systems used by pet animal dealerships include undergravel filters, outside power filters, canister filters, wet/dry filters, and sponge filters.
 - (b) Labyrinth fish, such as Betas, do not require the use of filtration systems, but must have the water in the primary enclosure changed at least weekly.
- (6) Water Quality Maintenance. Good water quality and water chemistry, as measured using commercially available test kits, are essential to maintain a healthy aquarium environment for the fish.
 - (a) Water chemistry shall be tested to make sure the following specific criteria are within prescribed limits for established aquariums:

Free ammonia concentration - the presence of free ammonia indicates that the biological filter is not working properly or the aquarium is overcrowded or overfed. The maximum acceptable level of free ammonia in a healthy aquarium is 1 ppm.

PH - measures the acidity or the alkalinity of the water. The PH reading can vary from 5.5 to 9.0 depending on the requirements of a particular species of fish.

- (b) Any time more than 30% water change with chlorinated water occurs, the aquarium shall be treated with a water conditioner that will specifically remove chlorine and/or chloramines.
 - (c) Dead fish shall be removed from the enclosure a minimum of once daily, or more often if necessary.
- (7) Water Temperature Control. The water in a freshwater aquarium shall normally be maintained at a temperature of 68 to 82 degrees Fahrenheit for tropical fish, as appropriate to the species. If necessary, a thermostatically controlled heater shall be used to maintain the required temperature. The heater should be capable of delivering 2 to 5 watts per gallon. Accurate water temperature will be measured by a suitable aquarium thermometer.
- (8) Feeding and Nutrition.
 - (a) Freshwater fish shall be fed on a routine basis to maintain good fish health and to maintain good water quality.
 - (b) A variety of foods shall be provided such as flake, frozen, live and dried pellets to ensure that all the fish in the aquarium, including bottom dwellers, are fed.
- e. Saltwater Fish. The primary enclosure for saltwater fish is the aquarium or fish tank. The size of the aquarium is determined by the size, number and type of marine fish and invertebrates. The surface area of the tank (length and width) is more critical than the depth of the tank. The larger the surface area and the more frequent the water changes, the greater the fish population can be.
 - (1) Aquariums can be constructed of glass, plastic, acrylic, or specially treated wood.
 - (2) Aquariums shall be in good repair and watertight.
 - (3) Aquarium lids, constructed from glass or plastic, can be used to keep dirt out, minimize tank water evaporation and prevent fish from escaping. When aquarium lids are used they should not provide an air-tight barrier.
 - (4) Substrate. When necessary to use a substrate in a saltwater aquarium, only materials with a calcareous composition such as coral sand, limestone, oyster shell, dolomite, and the like shall be used. When used together with an undergravel filter the depth of the substrate shall be 1½ to 3 inches to satisfy biological requirements.
 - (5) Filtration Systems. Filtration systems will be employed to remove the waste produced by the fish and to enhance the quality of the water and can include, individually or in combination, biological (removes ammonia

and ammonia products); mechanical (removes particulate matter); and chemical (removes dissolved organic compounds) types.

(6) Water Quality Maintenance. Good water quality and water chemistry, as measured using commercially available test kits, are essential to maintain a healthy aquarium environment for the fish and invertebrates.

(a) Water chemistry shall be tested to make sure that the following specific criteria are within the prescribed limits for established aquariums:

Combined ammonia (NH₃ + NH₄) - 0.25 ppm maximum.

PH - 7.8 to 8.5.

Specific gravity (salinity) - 1.018 to 1.024 at 75 to 80 degrees Fahrenheit as measured by a hydrometer.

Nitrite (intermediate step in the nitrogen cycle) - 0.5 ppm maximum.

Nitrate (chemical product of nitrite conversion) - 60 ppm maximum for fish and 40 ppm maximum for invertebrates. The recommended levels are 30 ppm for fish and 20 ppm for invertebrates.

(b) Dead fish shall be removed from the enclosure once daily, or more often if necessary.

(7) Water Temperature Control. The water in a tropical saltwater aquarium shall normally be maintained at a temperature of 72 to 80 degrees Fahrenheit. If it is necessary to use a thermostatically controlled heater to maintain the required temperature, the heater should be capable of delivering 2 to 5 watts per gallon. Accurate water temperature will be measured using a suitable aquarium thermometer.

(8) Lighting. For proper keeping of corals and other invertebrates, the photoperiod (amount of time the aquarium light is on) is very important and should not be less than 10 hours. The spectrum of lighting used will be appropriate to the species.

(9) Feeding and Nutrition.

(a) Saltwater fish and invertebrates shall be fed as appropriate to the species, a minimum of 3 times per week.

(b) A variety of foods shall be provided such as flake, dried pellets, frozen, live and complex nutrient liquids for filter feeding invertebrates.

f. Reptiles and Amphibians.

- (1) Standard Husbandry Requirements. All reptiles and amphibians, regardless of species, shall be provided with the following basic environmental and maintenance needs:
 - (a) Housing/Enclosures. The primary enclosure shall be constructed according to the health and safety needs of the species, providing appropriate height, length and depth to allow the reptile or amphibian to exercise normal postural movements.
 - i. The primary enclosure will be constructed to maintain appropriate humidity and ventilation and shall be of suitable size to prevent overcrowding. The enclosure will be constructed so as to keep the animals safely within.
 - (b) Habitat Substrate. The bottom of the primary enclosure shall be covered with a substrate material that is suitable for the particular species. Indigestible particulate substrates such as ground nutshells, ground corn cobs, etc., shall be avoided due to potential impactions if ingested. Cedar shavings shall not be used for habitat substrate.
 - (c) Landscaping. The primary enclosure shall be provided with a variety of structures, materials and plants, as appropriate, to meet the needs and satisfy behavioral characteristics of different species. Suitable landscaping shall protect the animal, reduce stress and help recreate the animal's natural environment.
 - (d) Security Shelters. Shelters, as appropriate to the species, shall be provided in the primary enclosure to allow the animal security, protect the animal from stress, and help recreate the natural environment. Number and placement in the primary enclosure should ensure the animal is not forced to choose between security and maintaining temperature.
 - (e) Basking Areas. When appropriate to the species, a basking area affording both heat and light shall be provided so that the animal can self-regulate its body temperature to improve digestion of food, improve appetite and reduce risk of illness. The objective is to establish within the primary enclosure a temperature gradient where both the air and surface temperature decrease as the distance from the heat source increases. Primary enclosures must be large enough to provide a temperature gradient to allow for normal thermoregulation. At least 30% of the floor space should be left open for the reptile to easily move about, feed, water, and defecate, in addition to make movements necessary for thermoregulation when appropriate to the species.

(f) Temperature Control. Maintenance of the correct environmental temperature, air or water, is essential for the proper health and well being of the animal. The specific temperature requirement depends on the particular species and the climate of the animal's natural environment.

i. A thermometer shall be used to determine the temperature inside the primary enclosure.

(g) Lighting. Depending on the needs of the particular species, an incandescent bulb with a reflector-type fixture will be provided to develop the necessary temperature gradient inside the primary enclosure. The recommended photo period is twelve hours on and twelve hours off.

(h) UVB Lighting. As appropriate to the species, UVB lighting shall be provided as part of the primary enclosure. UVB bulbs shall be metered to make sure they are close enough to ensure good exposure. For most fluorescent bulbs, the light must be within 12 inches of the animal. Other bulbs have different use ranges. The recommended photo period is 12 hours on and 12 hours off. The enclosure shall be constructed to allow UVB light to penetrate into the enclosure.

Facility owners operating wholesale only facilities and keeping animals less than 14 days may apply to the Commissioner for a waiver of this requirement.

(i) Water. Clean water shall be provided, whether for drinking, soaking, defecation, or when constituting the primary environment.

As appropriate to the species, fresh drinking water shall be made available a minimum of once per day or more often if necessary in a shallow container, or one large enough to accommodate the entire animal, or by misting plants and sides of the primary enclosure or through the use of an overhead drip system to drip water on plant leaves.

Care should be taken to offer water in a form that will stimulate drinking in the animal as well as avoiding toxic reactions to treated water.

(j) Humidity. Humidity within the primary enclosure will be maintained as appropriate to the species. A hygrometer shall be used to determine the humidity inside the primary enclosure.

(k) Feeding.

Successful feeding of a particular species shall take into account not only diet, but also size of prey and age of animal, frequency of feeding, amount of food and environmental factors such as heat, light, humidity, and proper landscaping that significantly affect feeding response. Food shall be appropriate for the species and at correct intervals.

- (l) Primary Enclosure Maintenance. The primary enclosure shall be cleaned at least weekly or more often if necessary to remove feces and soiled ground medium, water, or substrate. If the primary environment is water, it must be kept clean. Clean and sanitize drinking water containers as needed and between uses for different animals.
- (m) Specialized Husbandry Requirements
 - i. Lizards. Dimensions of the primary enclosure for a single animal, including the tail, shall be: Length - 1½ times the length of the animal; width - 1/2 the length of the animal; height - 6 inches minimum. Minimal space requirements for multiple animals within a given primary enclosure shall be based on the following calculation:

$L \times W \times H \div \text{Density Factor} = \text{total length of animals permitted}$.
 $\text{Total length of animals permitted} \div \text{length of animal} = \text{number of animals allowed in that size enclosure}$.

The calculated density factor varies with the length range of the lizard being housed. ("DF" is density factor.)

Industry Designated Aquarium Size (gal.)	Volume Cu. In.	Total Lizard Length Allowed			
		<6"	6-12"	12-24"	>24"
		DF15	DF30	DF60	DF120
10	2400	160	80	--	--
15	3456	230	115	--	--
20 HIGH	3456	230	115	--	--
20 LONG	4320	288	144	72	--
29	5760	384	192	96	--
30	6912	460	230	115	--
55	12480	832	416	208	104

- (n) Chelonia. Water turtles.

Clean, potable water shall be available at all times.

The depth of water in the primary enclosure shall be at least equal to the carapace length of the turtle with a gradual access leading to a basking area as the species requires. All turtles shall be measured by straight carapace length.

Enclosure Size (gal.)	Number of 6" turtles	Area (sq. in.)
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Enclosure Size (gal.)	Number of 6" turtles	Area (sq. in.)
10	0	200
15	4	288
20 high	4	288
20 long	5	360
29	5	360
30	6	432
55	9	624

For larger sizes, the number is based on providing 70 sq. in. per 4 inches of carapace per turtle.

- (o) Chelonia. Land Turtles. Clean potable water shall be available at all times in a shallow pan that the turtle can easily get into or out of, with a water depth no deeper than the box turtle's chin. The enclosure must be large enough to allow for water pan as mentioned above and provide hide space. All turtles shall be measured by straight carapace length.

Enclosure Size (gal.)	Number of 6" turtles	Area (sq. in.)
10	0	200
15	4	288
20 high	4	288
20 long	5	360
29	5	360
30	6	432
55	9	624

For larger sizes, the number is based on providing 70 sq. in. per 4 inches of carapace per turtle.

- (p) Amphibians (frogs, toads, salamanders and newts).

Clean, potable water shall be available at all times in a bowl or built-in pool. The length of the enclosure for hopping frogs shall be four (4) times the length of the frog, and the height shall be three (3) times the length of the frog.

The length of the enclosure for tree frogs shall be two (2) times the length of the frog and the height shall be three (3) times the length of the frog.

For all other amphibians the area of the enclosure shall be five (5) square inches per inch of animal and have a height of two (2) times the length of the animal.

- (q) Snakes

Enclosure Size (gal.)	Area (sq. in.)	Number of Snakes
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Enclosure Size (gal.)	Area (sq. in.)	Number of Snakes		
		<2 ft.	2-3 ft.	>3-5 ft.
10	200	10	2	0
20 long	360	15	5	1
55	624	20	10	2

For every 12 inches over 5 feet of snake a minimum additional 18 sq. in. per foot will be required. Requirements for long light bodied snakes may be changed at the discretion of the Commissioner.

Facility owners operating wholesale only facilities and keeping animals less than 14 days may apply to the Commissioner for a waiver of this requirement.

- (r) **Poisonous Animals.** An enclosure containing poisonous animals, including, but not limited to poisonous snakes, frogs, and insects shall be clearly labeled as "Poisonous". The enclosure shall have solid walls. The top of the enclosure shall be constructed of screen mesh, or similar material to prevent escape or injury to the public by the animal.

C. SANITATION STANDARDS

1. General Conditions.

- a. **Cleaning of Pet Animal Enclosures.** Animals shall be removed from the primary enclosures when water or any chemical solution is used in cleaning. Animal wastes shall be removed from primary enclosures and/or display cages daily or more frequently if necessary to prevent contamination of the pet animals and to reduce disease hazards and odors. Occupied primary enclosures and display cases shall be cleaned as often as necessary to maintain sanitary conditions by washing all surfaces with effective cleaning and sanitizing agents and methods.
- b. **Other Cleaning.** Food and water containers and all other utensils shall be cleaned and sanitized using heat or chemical sanitizing solution. A dishwasher which utilizes heat or chemical sanitizing solution may suffice. These containers shall be cleaned and sanitized daily or more often if necessary to maintain sanitary conditions.
- c. **Waste Disposal.** Animal and food wastes, used bedding, debris and any other organic wastes shall be removed from the pet animal facility daily.
- d. **Premises Housekeeping.** The building and grounds shall be kept clean, in good repair and free of trash.
- e. **Pest Control.** All pet animal dealerships shall be free from infestation of vermin, insects or other pests. Food contaminated by rodents must be discarded.

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- f. Supply Storage. Pet food must be kept in waterproof, closed containers or at least 4 inches off the floor. Opened bags of pet food must be stored in waterproof, closed containers.
- g. Flight Cages. Aviaries must be cleaned weekly or more often as necessary to prevent excessive buildup of bird wastes and uneaten food.

D. FOOD AND WATER

- 1. Feeding and Water Requirements. Pet animals shall be fed consistent with the nutritional needs for the age and species, except when under special veterinary care.
 - a. Animal food shall be of such nutritional value necessary to meet the normal daily requirements for the condition and size of the animal.
 - b. Perishable food shall be refrigerated.
 - c. Animal food receptacles shall be in sufficient number, of adequate size and located so as to enable each animal in the primary enclosures to be supplied with an adequate amount of food.
 - d. Animal food and water containers shall be kept clean and sanitary.
 - e. Potable water shall be available to pet animals consistent with the species, sufficient to prevent dehydration or heat prostration, except when under special veterinary care.
 - f. Open food and water containers shall be accessible to the pet animal and located to minimize contamination by excreta.
 - g. Disposable containers may be utilized if discarded after each use.
 - h. Self feeders and waterers may be used if cleaned pursuant to Subsection C above.
 - i. Food and water suitable for the specific species shall be available to birds at all times.

E. CLASSIFICATION AND SEPARATION REQUIREMENTS

- 1. Pet animals housed in the same primary enclosure shall be maintained in compatible groups with similar nutritional and environmental requirements.
 - a. Any pet animal exhibiting aggressive behavior shall be housed individually and in primary enclosures that will prevent such animal from biting or injuring the public.
 - b. Pet animals under quarantine or treatment for a suspected communicable disease shall be physically separated from other susceptible animals to minimize dissemination of disease as set forth in Section 1.00 and Subsection F below.

- c. Pet animals used for breeding purposes may not be displayed for sale and must be kept in a primary enclosure separate from other animals.
- d. Feeder animals, those consumed as food by other pet animals, such as crickets, fish, etc. must be housed in enclosures that do not permit escape but provide adequate physical space for the particular species.

F. RECORD REQUIREMENTS

1. Sales Records. All pet animal dealerships shall maintain a record of all sales or other disposition of dogs, cats and psittacine birds for a period of 2 years from the transaction date, with the records kept at the physical facility site for 90 days.
 - a. Sales records shall include, at a minimum, date of transaction, species or breed of animal, color, sex (where possible to determine), and the name, address and phone number of the purchaser.
 - b. Sales records for psittacine birds shall also include the band number or other identification approved by the Commissioner.
 - c. Sales records for each sales day for temporary pet animal dealerships shall be kept at the sales location on said sales day, during normal hours of operation. Thereafter, the records may be kept at the address specified in the license application.
2. Purchase Records. All pet animal dealerships shall maintain a record (invoices, etc.) of all pet animal purchases (except feeder animals) or other means of acquisition for a period of two years, with said records being kept at the physical facility site for 90 days after the transaction date. Minimum information required shall include transaction date; name, address and phone number of the supplier; number of animals received; animal breed or species; and bird band number, if applicable.
 - a. Purchase records shall include the date of birth for dogs and cats.
3. Record Accessibility. All required sales and purchase records shall be made available to any inspector authorized by the Department at any reasonable time during regular business hours, or at other mutually agreeable times.
4. Psittacosis Warning. Pet animal dealers selling psittacine birds shall furnish to each retail purchaser of one or more psittacine birds, a special Psittacine Bird Dealer Sales Record prescribed by the Department, giving the business name of the dealer, the name, address and phone number of the person purchasing the bird(s), and number, species, and leg band identification number for each bird sold. Printed on this sales record shall be a warning to the purchaser of a possible psittacosis hazard. This warning shall include a description of the disease signs in birds, symptoms in humans and the critical need for prompt medical diagnosis and treatment.
5. Salmonellosis Caution. Pet animal dealers selling reptiles shall have each retail purchaser of one or more reptiles read an educational document prescribed by the

Department. This educational document shall state the possible salmonellosis hazard to people and describe common hygienic practices to help prevent salmonella exposure to humans. The purchaser shall sign a dated register provided by the pet animal dealer after reading this educational document.

6. Veterinary Treatment Records. Treatment records shall be kept on all pet animals (except feeders, fish and invertebrates) that receive any medications and/or immunizations used in the treatment or prevention of illness, or the treatment of injury, while in the care of the pet animal dealership. These records shall include the identification of the pet animal receiving medical treatment, the name of the medication and/or immunization used, the amount of medication used, and the time and date on which the medication and/or immunization was administered. These records shall be kept at the pet animal dealership facility for a period of 60 days after the sale of the pet animal.
7. Written disclosure of all treatments involving immunizations, medications, anthelmintics (dewormers) and all other treatments for parasites, administered thirty days prior to transfer, shall be provided to the purchaser of dogs, cats and birds at the time of the sale. A record detailing the product used, the dosage and the date administered shall be provided to the purchaser at the time of sale.

G. VETERINARY CARE/DISEASE CONTROL

1. Veterinary Requirements.
 - a. Veterinary Services. All pet animal dealer facilities shall have a working relationship with a veterinarian to provide timely treatment for injured or diseased animals. The name and phone number of the veterinarian will be available to the inspector upon request.
 - b. Pet animals shall be observed daily for signs of disease by the person in charge of the pet animal dealership or by an employee working under his or her direct supervision. An animal suspected of having an infectious disease shall be physically separated from other susceptible animals and placed in an isolation area until the condition is determined to be noninfectious.
 - c. Sick or injured animals (except fish and invertebrates) must be provided with timely veterinary care and prescribed treatment followed, or be euthanized humanely under the supervision of the pet animal dealership's attending veterinarian, pursuant to § 35-80-102(7).
 - d. As to animals that die at the pet animal dealership, the licensee may wish to refer to § 25-1-612, C.R.S., as amended, and any local ordinance or rules and regulations concerning proper disposal.
2. Disease Control Requirements
 - a. Reporting of Zoonotic Diseases. Reporting requirements exist under § 25-1-662, C.R.S., as amended, as well as possibly other statutes, rules and regulations.

- b. Cleanliness. All primary animal enclosures, cages, isolation rooms or areas, etc., which contain pet animal(s) (except fish and amphibians) having infectious or transmissible disease shall be cleaned and disinfected each day.
- c. Quarantine. Quarantine requirements exist under §§ 25-4-604 and 605, 25-4-709, and 35-50-110, C.R.S., as amended, and possibly other statutes, rules and regulations.

H. SALE OR TRANSFER

- 1. Reasonable care shall be taken to release for sale, trade or adoption only those pet animals that are free of undisclosed disease, injury or abnormality.
- 2. It is unlawful to sell, transfer or adopt dogs or cats under the age of 8 weeks, or guinea pigs, hamsters or rabbits under the age of 4 weeks.
- 3. It shall be unlawful to sell, transfer or adopt cats less than two pounds of body weight. Pet retail facilities that transfer cats shall have a scale available adequate to ensure compliance with this requirement.
- 4. It is unlawful for any person or entity to sell, barter, exchange or otherwise transfer, possess, import or cause to be imported into this state any type of turtle with a length in carapace of less than four inches.

I. SPECIAL REQUIREMENTS FOR PSITTACINE BIRDS

- 1. Possession Restrictions.
 - a. Authorized Bands. In accordance with PACFA, § 35-80-108 (1) (i), no person shall import or have in his possession for the purpose of selling, trading, giving or otherwise transferring any psittacine bird that has not been legally banded with a type of leg band authorized by the Commissioner applied during the prefeathered stage of development and appropriate to the size and species of the bird. The Commissioner authorizes the following bands: a traceable seamless or seamed Colorado leg band, a United States Department of Agriculture Quarantine Station leg band, or a band approved by any state. Seamed or split leg bands may only be applied when ordered through the Commissioner.
 - b. Leg Band Assignment. No licensed pet animal dealership shall use another licensee's registered leg band nor shall a licensee sell or transfer their registered leg band to another person.
 - c. Application for Band. Application for a traceable seamed leg band must be made to the Department. Necessary documentation to be provided includes all purchase or transfer records, health certificates, or quarantine information.
 - d. Leg Band Removal. A leg band that is causing injury to a bird may be removed provided the Department is notified. Upon sale, trade, or other means of transfer,

the bird must be accompanied with a traceable leg band approved by the Commissioner.

- e. From time to time, the Commissioner may require other species of birds to be banded, in the Commissioner's discretion. In such event, the Commissioner shall provide written notification to any licensee affected by mailing to the last address provided by the licensee to the Commissioner.

J. TRANSPORTATION WITHIN A VEHICLE

1. Enclosures.

- a. Temporary enclosures, such as compartments or transport cages, or animal crates, if used to transport animals shall be secured, well constructed of cleanable or disposable material, and designed to protect the health and ensure the safety of the animals. Such enclosures shall have ventilation to ensure the comfort and health of the animals at all times.
- b. Such enclosures shall be constructed or positioned in the vehicle such that:
 - (1) Each animal has access to sufficient air for normal breathing.
 - (2) The openings of such enclosures are accessible at all times for emergency removal of the animals.
 - (3) The animals are afforded protection from the elements.
 - (4) The animal areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of the pet animals being transported. The requirements of the specific species, age of the animal, and the specific health condition of the animal(s) should be considered.
- c. Animals shall not be placed in enclosures over other animals in transit unless such enclosure is fitted with a floor of material which prevents animal excreta from entering lower enclosures.
- d. Enclosures shall be large enough so that each animal has space to turn around, stand and lie down. Animals which are not conditioned to each other may not be transported in the same primary enclosure.
- e. Enclosures shall be cleaned and sanitized between each animal use, or more often if necessary.
- f. Pet animals being transported shall be kept hydrated.
- g. Pet animals transported for longer than eight hours must be offered food in accordance with above feeding sections.

- h. Dogs shall be removed from the vehicle while in active transportation a minimum of every 8 hours and allowed to urinate, defecate, and obtain exercise.
 - i. If the trip is six hours or more in length, a litterbox shall be provided within each crate for cats. The litterbox shall not cover more than 50% of the crate floor.
 - j. A manifest shall be kept showing an inventory, by number and species, of animals being transported.
2. Vehicles.
- a. Vehicles used primarily in the transportation of pet animals shall be equipped to provide fresh air to all animals being transported without injurious drafts.
 - b. The animal cargo space shall be so constructed and maintained so as to minimize the ingress of exhaust from the vehicle's engine.

12.00 DOG BREEDER FACILITY REGULATIONS

A. FACILITY STANDARDS

1. License Requirements:

No person shall operate a dog breeder facility unless the person holds a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.

2. Structural Plan Evaluation:

- a. **Plan Submission.** Detailed plans and specifications will be submitted to the Department whenever it is proposed to erect or extensively remodel any dog breeder facility, specifically any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans pertaining to upgrades which are only electrical or plumbing in nature will not require a plan submission. Each dog breeder facility or any person intending to become a dog breeder facility shall be responsible for submitting all plans and specifications. Plans shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction can begin and final approval of the constructed facility is necessary before operation can start.
- b. **Plan Specification Content Requirements.** Final plans and specifications shall comply with these regulations and shall include descriptions of the ventilation system, plumbing fixtures, and floor, wall, and ceiling finishes. It is not necessary for plans and specifications to be professionally drawn, providing the plans are legible, drawn or sketched to consistent scale, with dimensions indicated, accurately depicting the intended construction or remodeling.

3. General Standards:

- a. Interior Surfaces. The interior facility surfaces shall be constructed and maintained so that they are water resistant and can be cleaned and sanitized. These surfaces need not extend more than 18 inches beyond the perimeter of any animal enclosure or sink. Floors directly beneath all animal enclosure areas, except where those enclosures are of solid sides or so constructed as to prevent the leakage of urine or feces, must be of a material which is water resistant and can be cleaned and sanitized.
- b. Electric Power. Electric power shall be provided.
- c. Water. Potable water shall be provided for drinking purposes, with back flow prevention devices installed on any threaded faucets where hoses may be attached for cleaning the facility or on the main water line serving the facility.
- d. Washrooms and Sinks. Accessible washrooms or sinks shall be provided to maintain personal hygiene among animal caretakers. A sink in good repair or a dishwasher shall be provided for washing and sanitizing.
- e. Waste Water Disposal. Waste water from indoor facilities shall be disposed of by connection to a sanitary sewer or any state, county, or locally approved water disposal system. A method shall be provided to rapidly eliminate excess water.
- f. Protect animals kept there from injury, ensure containment of pet animals within the pet animal facility and restrict entry of other animals and humans from outside by either a building or a fence designed to be escape-proof.

B. ANIMAL ENCLOSURE STANDARDS

- 1. Primary Enclosure Defined. Primary enclosures are those animal enclosures in which the animal rests or sleeps. Such enclosures may be used temporarily or permanently.
 - a. Primary enclosures shall be structurally sound and maintained in good repair. They shall be constructed and maintained to enable the animals to remain dry and clean.
 - b. The floors of the primary enclosures shall be constructed to prevent injury to the animals' feet and legs. Enclosures for dogs may have wire flooring provided that the wire is of adequate gauge to prevent sagging under the weight of the animals, and the mesh is small enough to prevent the animals' feet from passing through.
 - c. Dog Houses with Chains.
 - (1) The use of dog houses with chains (tethering) as a primary enclosure is prohibited.

- (2) Facilities that breed, train or house Alaskan dog breeds or Alaskan breed crosses, specifically for the purpose of pulling dog sleds, may request the Commissioner in writing for a waiver of the prohibition against dog houses with chains (tethering) as a primary enclosure. Such a request for waiver shall be submitted annually with each application or reapplication for licensure. Granting such waiver is in the sole discretion of the Commissioner.
 - (a) No female dogs in whelp or with puppies shall be tethered.
 - (b) If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs and any other objects. Such chains should be a minimum of 6 feet and of a type commonly used for the size dog involved and shall be attached to the dog by means of a well-fitted, nontightening collar or harness. All tethering chains shall have a swivel.
 - (c) If tethering is used, a fence perimeter shall surround the entire tethering area to protect the tethered dogs from predators, stray animals and humans.

d. Indoor Facilities or Portions thereof.

- (1) Heating and Cooling. Housing for pet animals shall be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health. The ambient temperature shall be consistent with the requirements of the specific pet animals. Heating shall be deemed necessary when the inside temperature of the facility falls below 50 degrees Fahrenheit for a period of 4 consecutive hours and cooling shall be deemed necessary when the temperature of the facility rises above 90 degrees Fahrenheit. The ambient temperature shall be consistent with the requirements of the specific breed, the age of the animal, or that to which the animal is acclimated. Ambient temperatures below 50 degrees Fahrenheit may be acceptable for dogs so acclimated.
- (2) Ventilation. Housing for pet animals shall be ventilated with fresh or filtered air to minimize odors and moisture, and to provide for the health and comfort of the animals at all times. Means shall be provided to exhaust the air from the animal area to the outside of the building, which may be by natural or mechanical means.
- (3) Lighting. Housing for pet animals shall have well distributed natural or artificial light for routine inspections, and to facilitate routine cleaning and the proper care and maintenance of the pet animals.
- (4) Only the portions of the building or home designated as a dog breeding facility need meet the requirements set forth in this subparagraph d.

e. Outdoor Facilities or Portions thereof.

- (1) Shelter from Sunlight. A shaded area will be provided to all dogs housed in an outdoor primary enclosure to allow protection from the direct rays of the sun. The shaded area provided shall be of a size directly proportional to the size of the dog being protected and shall be positioned so that maximum shade protection is provided.
- (2) Shelter from Rain or Snow. A shelter will be provided to allow all dogs housed in an outdoor primary enclosure to remain dry during rain or snow.
- (3) Shelter from Cold Weather. Shelter shall be provided which is a moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat, made of durable material with a solid floor raised off the ground. For sled dogs a solid raised floor shall not be required.
- (4) Drainage. Outdoor enclosures shall be so designed and constructed to suitably demonstrate drainage to eliminate natural or other excess water, regardless of surfacing material.

f. Spatial Requirements.

- (1) Temporary primary enclosures will have a minimum length equal to the length of dog from the tip of its nose to the base of its tail and shall allow a minimum clearance in height at the shoulders of 3 inches, while the dog is standing normally and permit the dog to turn around and lie down. The primary enclosures with these dimensions are to be used only when the dog is sleeping or eating, when the run or exercise areas are being cleaned, during behavior modification, or when the caretaker is absent from the facility for a period of less than 10 hours. These primary enclosures are not to be used for exercise or socialization areas. Primary enclosures with these dimensions will be used to house one dog only at any given time. Confinement in an enclosure of this size shall not exceed 18 hours per day.
- (2) Permanent primary enclosures which are used for housing other than when the dog is sleeping or eating, or when the exercise areas are being cleaned, and which do not have access to a run or exercise area shall be larger to allow the dogs additional space. Minimum space standards (measured from the outside of the enclosure or by using the manufacturer's published list of measurements):

Size of Dog	Min. Space	Height
Extra Small (<10 inches high)	4.5 sq. ft.	18 in.
Small (<16 inches high)	6 sq. ft.	18-24 in.
Medium (<22 inches high)	9 sq. ft.	24-33 in.
Large (<26 inches high)	12 sq. ft.	33-39 in.
Extra Large (<30 inches high)	16 sq. ft.	39-45 in.

Size of Dog	Min. Space	Height
Giant (any dog >30 inches high)	20 sq. ft.	45-48 in.

If more than one dog occupies these primary enclosures, space will be figured for the first dog, with each additional dog needing one-half of the minimum space required.

- (3) Whelping Areas. A whelping area will allow the mother to lie stretched out on her side, permitting all puppies to nurse. The number of puppies and the temperament of the mother will be an additional factor in determining the size of the whelping area. The bitch should have enough room to leave the whelping nest. As the puppies grow, the calculations for additional dogs as specified in Subsection B1f(2) immediately above shall apply.
- (4) Nursery. Primary enclosures for puppies from weaning to age 4 months will be large enough to accommodate all occupants, allowing them to turn around, stand up, lie down, exercise normal postural movements, and to encourage socialization and exercise. The calculations for additional dogs as specified in Subsection B1f(2) above shall apply.
- (5) Runs or primary enclosures that are indoor/outdoor in combination shall be deemed one exercise run or primary enclosure for measuring purposes and shall be measured from the extreme inside to the extreme outside.
- (6) Runs and Exercise Areas. The length of runs and exercise areas shall be a minimum of three times the length of the dog from the tip of the nose to the base of the tail; the width shall be not less than one-third of this figure plus six inches; and the height shall be 1½ times the height of the dog at the shoulders, with the maximum required height of 48 inches and the minimum allowed of 18 inches.

All dogs housed in temporary primary enclosures as specified in Subsection B1f(1) above shall be provided with runs or exercise areas and shall be permitted a minimum of 60 minutes of exercise within a 24 hour period. The licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.

- (a) Runs and exercise areas may have wire flooring provided that the wire is of a gauge adequate to prevent sagging under the weight of the animal or injury to the animal's feet, and the mesh is small enough to prevent the animal's feet from passing through.
- (b) Exercise areas do not need shelter or dog houses if they are not primary enclosures, but must have shade provided with the shaded area of a size directly proportional to the size of the dog to be shaded.

- (7) Turn out pens, paddocks, extra large exercise areas, or open fields will be permitted for supervised training or exercise. Since dogs will not be left unsupervised, no shelter, dog house, shade or other structures are required to be in these areas.

C. CARE AND HANDLING OF PET ANIMALS

1. Food and Water:

- a. Pet animals shall be fed consistent with the nutritional needs for the age of the animal, at least once a day, except when under special veterinary care. The food shall be of such nutritional value necessary to meet the normal daily requirements for the condition and size of the animal. Perishable food shall be refrigerated.
- b. Except when under special veterinary care, if potable water is not continually available to dogs, it must be offered to the dogs as often as necessary to prevent dehydration or heat prostration.
- c. Open food and water containers shall be accessible to the pet animal and located to minimize contamination by excreta. Disposable containers may be used if discarded after each use. Self feeders and waterers may be used if cleaned regularly.
- d. Other Cleaning. Water and food containers and all other utensils shall be cleaned and sanitized using heat or chemical sanitizing solution. A dishwasher which utilizes heat or chemical sanitizing solution may suffice. These containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions.

2. Classification and Separation:

- a. Housing. Animals housed together in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions.
- b. Females in season (estrus) shall not be kept in the same primary enclosure, run, or exercise areas with males, except for breeding purposes.
- c. Any dog exhibiting an aggressive behavior shall be housed individually in a primary enclosure, run, or exercise area.
- d. Puppies under the age of 4 months shall not be housed in the same primary enclosure, run, or exercise area with adult dogs other than their dam or foster dam, unless under direct supervision.
- e. No more than 5 dogs over six months of age may be housed in any one common area at any one time. Facilities may request annually, in writing, from the Commissioner a waiver from this requirement if they can demonstrate provision for the safety of dogs housed within common areas.

- f. Any bitch in whelp will be housed individually in a primary enclosure, pen, or exercise area a minimum of one week prior to the whelping date.
- g. Pet animals under quarantine or treatment for a suspected communicable disease shall be physically separated from other susceptible animals to minimize the dissemination of disease.
- h. Each pet animal shall be observed by the animal caretaker in charge, or by someone under the caretaker's direct supervision, on a daily basis. Sick, diseased or injured dogs shall be provided with timely veterinary care or disposed of in a humane manner, pursuant to § 35-80-102(7).

D. TRANSPORTING DOGS

1. Enclosures to Transport Dogs.

- a. Temporary enclosures, such as compartments, transport cages, or crates, if used to transport dogs shall be secured, water resistant, well constructed of cleanable material, and designed to protect the health and ensure the safety of the animals. Such enclosures shall have ventilation to ensure the comfort and health of the dogs at all times.
- b. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:
 - (1) Each animal in the vehicle has access to sufficient air for normal breathing.
 - (2) The openings of such enclosures are accessible at all times for emergency removal of the animals.
 - (3) The animals are afforded protection from the elements.
 - (4) The animal areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of the dogs being transported.
- c. Enclosures used to transport dogs shall be large enough to ensure that each animal contained therein has sufficient space to turn, stand, and lie down. Animals which are not conditioned to each other may not be transported in the same primary enclosure.
- d. Animals shall not be placed in enclosures over other animals in transit unless such enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.
- e. Enclosures used to transport dogs shall be cleaned and sanitized between trips, or more often if necessary.

- f. Dogs shall be removed from the vehicle while in active transport a minimum of every 8 hours and allowed to urinate, defecate, and obtain exercise. The licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.
 - 2. Food and Water. Food and water shall be provided consistent with the requirements of Subsection C above.
 - 3. Classification and Separation. The same requirements of Subsection C above apply.
 - 4. Vehicles.
 - a. Vehicles used primarily in transporting dogs shall be equipped to provide fresh or filtered air to all animals being transported without injurious drafts.
 - b. The animal cargo space shall be so constructed and maintained as to minimize the ingress of exhaust from the vehicle's engine.
- E. SANITATION
- 1. General Standards.
 - a. Cleaning of Pet Animal Enclosures
 - (1) Dogs shall be protected from exposure to water or chemical solution used in cleaning the primary enclosure. All surfaces of occupied primary enclosures shall be cleaned and sanitized as often as necessary to reduce disease hazards and odors, and to maintain sanitary conditions.
 - (2) Hard Surfaced Runs and Pens. Cleaning shall be accomplished by washing all soiled surfaces with a detergent, followed by a safe and effective sanitizer.
 - (3) Runs, Pens, and Exercise Areas. Gravel, sand, or soil shall be sanitized by removing the soiled gravel, sand, or soil and replacing it when the material is permeated with urine and/or fecal matter that is not removable without removing the material, or when odors are present.
 - b. Housekeeping. Premises (building and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices. Premises shall remain free of accumulations of trash.
 - c. Waste Disposal. Animal and food wastes, bedding, dead animals, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards, and nuisances are minimized. Such wastes shall be removed at least weekly from the facility. As to dead animals, the licensee may wish to refer to § 25-1-612, C.R.S., as amended and any local ordinance or rules and regulations concerning proper disposal.

- d. Pest Control. Insects, parasites, and avian and mammalian pests shall be controlled.
- e. Storage. Supplies of food and bedding shall be stored off the floor or in waterproof closed containers and protected against infestation or contamination by vermin.

2. Whelping Areas/Nursery

- a. Whelping areas and nurseries shall be kept clean and sanitized to minimize disease spread by infectious agents.
- b. When a separate whelping area/nursery is provided, only a visual inspection by the Department will be conducted if whelping is in progress or if the nursery is occupied. If entry is deemed necessary by the inspector, then unused, clean protective clothing and footwear must be worn.

F. RECORDS

1. Requirements:

- a. Sales Records. Records of all sales or disposition of pet animals shall be kept by the breeder facility for two years from the date of the transaction, with the records kept at the address specified in the license application. Sales records shall include the date of transaction, breed, specific identifying characteristics (if available), gender and date of birth or age of the dog, and the name and address of the purchaser.
- b. Purchase Records. Records of purchases shall also be maintained for at least 2 years, with the records kept at the address specified in the license application. Purchase records shall include the date of the transaction, the name and address of the seller, and the number, breed, specific identifying characteristics (if available), gender and date of birth or age of the animals received.
- c. Veterinary Treatment Records. Treatment records shall be kept on all dogs that receive any medications and/or immunizations used in the treatment or prevention of illness, or the treatment of injury, while in the care of the dog breeder facility. These records shall include the identification of the dog receiving medical treatment, the name of the medication and/or immunization used, the amount of medication used, and the time and date on which the medication and/or immunization was administered. These records shall be kept at the dog breeder facility for a period of 60 days after the sale of the dog.
- d. Written disclosure of all treatments involving immunizations, medications, anthelmintics (dewormers) and all other treatments for parasites, administered thirty days prior to transfer, shall be provided to the purchaser of the dog at the time of the sale. A record detailing the product used, the dosage and the date administered shall be provided to the purchaser at the time of sale.

- e. Availability. The above records shall be available to any inspector authorized by the Department at all reasonable times during business hours, or at other mutually agreeable times.
- f. Yearly Reports. The licensee shall report to the Commissioner on a yearly basis the numbers of transfers and litters to accurately determine licensing status. These figures shall be reported as set forth in Section 5.00 of these rules and regulations.

G. SALE OR TRANSFER

- 1. Reasonable care shall be taken to release for sale, trade or adoption only those dogs that are free of undisclosed disease, injury or abnormality.
- 2. It is unlawful to sell, transfer or adopt dogs under the age of 8 weeks.

H. INSPECTIONS

The facility inspector shall follow Department protocols concerning disinfection of footwear.

13.00 BIRD BREEDER FACILITY REGULATIONS

A. LICENSE

- 1. Bird Facility. Any person engaged in the operation of breeding and raising birds who transfers more than 30 birds per year must hold a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.
- 2. Licensure for Psittacine Bird Breeders. There shall be two subclassifications for psittacine bird breeder licenses:

Psittacine Subclassification #1:

Common Psittacines: Budgerigars, Cockatiels, Love Birds

Psittacine Subclassification #2:

Uncommon Psittacines: All other psittacines not listed under Common Psittacines

Persons who transfer more than 30 birds per year, whose total number of birds transferred represents only one classification or subclassification shall pay only the fee set for that specific classification or subclassification.

Persons who transfer more than 30 birds per year, who transferred 10 or more birds from the uncommon psittacine subclassification shall pay the fee for psittacine subclassification #2.

3. Importing Birds. Any person who imports or causes to be imported any bird for the purpose of sale or any other form of transfer must be licensed as a bird breeder or a pet animal dealership as required by PACFA §§ 35-80-108(2)(d).

B. FACILITY

1. Structural Plan Evaluation. Detailed plans and specifications shall be submitted to the Department whenever it is proposed to erect or extensively remodel any bird breeding facility, specifically, any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans pertaining to upgrades which are only electrical or plumbing in nature will not require a plan submission. Plans shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction can begin and final approval of the constructed facility is necessary before operation can start. It is not necessary for plans and specifications to be professionally done, as long as they include specific dimensions.
2. Interior Surfaces. Surfaces of rooms where birds are to be housed must be constructed and maintained in good repair with water resistant materials that can be readily cleaned and sanitized. These surfaces need not extend more than 18 inches beyond the perimeter of any bird cage. Painted or sealed surfaces are considered water resistant.

C. CARE AND HANDLING OF BIRDS.

1. Water. Potable water shall be made available for the needs of birds.
2. Food. Food shall be stored at least four inches off the floor or in waterproof, closed containers protecting against infestation or contamination by vermin or other pests.
3. Nutrition. The basic diet of birds in the facility shall be based upon the natural needs of each species. Food and potable water shall be made available to the birds at all times.
4. Open food and water containers shall be accessible to the birds and located to minimize contamination by excreta. Self feeders or waterers may be used if cleaned regularly. Food and water dishes shall be cleaned daily or more often as necessary.
5. Sanitation. Bird wastes shall be removed from cages weekly or more frequently if necessary to reduce odors, contamination of birds, and disease hazards. Birds shall be removed from the cage when water or chemical solution is used for cleaning. Cages and food and water containers shall be cleaned and sanitized before new birds are introduced and more frequently if necessary to maintain sanitary conditions. Cages, nests or nest boxes of birds incubating eggs or brooding chicks shall be cleaned and sanitized between breeding seasons or after all offspring have been permanently removed from the breeding cage.

6. A sink in good repair or a dishwasher shall be provided for washing and sanitizing. These need not be located in the bird room(s).
7. Ventilation. Ventilation or air filtration of the bird facility air shall be achieved by either natural or artificial means in a manner which will control airborne dust, drafts, odors, and excessive moisture.
8. Heating, Cooling, and Humidity. The ambient temperature and relative humidity shall be consistent with the requirements of the species of birds being housed.
9. Lighting. During the day length phase of the light cycle of the bird facility, either natural or artificial lighting shall be provided to permit easy inspection and care of the birds. Cages shall be placed as to protect the birds from excessive illumination. Lighting may be adjusted to meet specific needs of breeding birds.
10. Quarantine. A quarantine cage in a separate room shall be provided when necessary for the control of infectious disease or introduction of new birds into the facility.
11. Only the portions of the building or home designated as a bird breeder facility need meet the requirements set forth in the Subsection C.
12. Each bird shall be observed by the bird caretaker in charge, or by someone under the caretaker's direct supervision, on a daily basis. Sick, diseased or injured birds shall be provided with veterinary care or disposed of in a humane manner, pursuant to § 35-80-102 (7).
13. Pest Control. All bird breeder facilities shall be free from infestations of vermin, insects or other pests. Food contaminated by rodents must be discarded.

D. ENCLOSURES

1. Cage Requirements. Primary cages shall be maintained in good repair and constructed of metal or other water resistant material which can be cleaned and sanitized.
2. Minimum Requirements:
 - a. With emphasis on the word minimum, the cage must be large enough to provide full body extension without contact with the confines. The cage must be wide enough in at least one direction to accommodate completely stretched wings.
 - b. A single, well-placed perch may be adequate for Psittacines. Well-placed means that the bird can stand completely upright on the perch without having any head contact with the ceiling of the cage and at the same time, the tail not touching the floor or grate of the cage. However, two perches, one at each end of the cage, must be provided for all species that prefer flying or jumping to climbing. Examples: Finches, Canaries, Robins, etc. Perches must be strategically placed to prevent droppings from contaminating other birds and the birds' food and water supply and to also prevent the bird's tail from having contact with the food and water.

- c. Except for the specific needs of breeding pairs or of a specific bird because of its individual characteristics, the following are minimum space requirements for caging a single bird. Cage measurements are of the actual living space, and do not include stands, ornamental appendages or space below the grate. Bird measurements to be utilized are made from the tip of the tail to the top of the head.

<u>Size of bird in inches</u>	<u>Minimum cage size</u>
8 or smaller	1 cubic foot eg. 12x12x12

Examples: Finches, Canaries, Budgerigars, Love Birds, Gray Cheeked Parakeets, Canary Winged Parakeets, Parrotlets, very small species of Lorikeets, Java Sparrow, small species of Fig Parrots, small species of Pygmy Parrots, Hanging Parrots, etc.

<u>Size of bird in inches</u>	<u>Minimum cage size</u>
9-12	3.3 cubic foot eg. 18x18x18

Examples: Pionus, small Conures, small species of Indian Ring-Necked Parakeets (lacking the long tails), Cockatiels, Lorikeets, Senegals, Meyers, red-bellied brown-headed, very small species of Amazons, small species of Rosellas, Elegant Grass Parakeets, Bourks, Scarlet-Breasted Parakeets, Turquoise Parakeets, Rock Parakeets, smaller species of Lories, Caiques, Quaker Parakeets, etc.

<u>Size of bird in inches</u>	<u>Minimum cage size</u>
13-24	5.4 cubic foot eg. 19x26x19

Examples: African Greys, small species of Mini-macaws, larger species of Indian Ring Necks (with long tails), Alexandrines, Plum-headed Parakeets, Mustache Parakeets, small species of Cockatoos, Lories, Amazons, Conures, Eclectus, Rosellas, Rock Pebbblars, Red-Rumped Parakeets, Hawk-Headed Parrots, etc.

<u>Size of bird in inches</u>	<u>Minimum cage size</u>
25-35	21 cubic foot eg. 24x42x36

Examples: Mini-Macaws, Macaws, Cockatoos, small species of Toucans, Toucanettes, etc.

<u>Size of bird in inches</u>	<u>Minimum cage size</u>
35-45	75 cubic foot eg. 36x60x60

Examples: Macaws, large species of Toucans (taking the beak into consideration), etc.

- d. When birds are being housed more than one bird to a cage, minimum space requirements must be upgraded to meet the needs of all the birds. The cage should be large enough to allow for the individual bird(s) to sit comfortably on a perch, fan their tail and spread both wings without touching the sides of the cage or another bird in the enclosure. Only compatible species shall be housed in the same cage. (Ideally, the maximum amount of space available should be provided to allow Finches, Canaries, and other small seed eaters to exercise through flight. Perches placed at varying heights would also facilitate movement from perch to perch.)
- e. **Wooden Cage Accessories.** Unsealed wood accessories (perches, ladders, toys, etc.) shall be cleaned and sanitized weekly or more often if necessary to maintain sanitary conditions. Perches, nests or nest boxes in cages where birds are incubating eggs or brooding chicks shall be cleaned and sanitized between breeding seasons or after all offspring have been permanently removed from the breeding cage.
- f. **Temporary Enclosures.** The following shall be considered temporary enclosures and shall be of a size, shape and design appropriate for the species of bird being housed:
 - (1) Show cages which are made or being used for the specific purpose of showing birds in a judged competition, including preparation for such competition.
 - (2) Breeding cages which are being used for the express purpose of breeding. Nests, nest boxes, or unweaned babies must be evident.
 - (3) Nests and nest boxes.
 - (4) Cages which contain sick or injured birds which need a more confined space to prevent further injury or to facilitate medical treatment.
 - (5) Brooders.
 - (6) Carriers used for safely transporting birds from location to location.
- g. **Indoor/Outdoor Flights and Aviaries.** Indoor/outdoor flights and aviaries must be cleaned weekly or more frequently if necessary to prevent excessive buildup of bird wastes and uneaten food. The size, shape, and design of the cages shall be appropriate for the species being housed and shall allow enough space for each of the birds to fly freely and exhibit normal behaviors. Flights must not be overcrowded and only compatible species shall be housed together. Flight cages shall be constructed to prevent injury to birds and commingling with noncaptive animals. A covered portion of a cage shall be provided where the birds can avoid direct sunlight or adverse weather conditions.

E. BANDING

1. Authorized Bands. In accordance with PACFA, § 35-80-108(1) (i), no person shall import or have in his possession for the purpose of selling, trading, giving or otherwise transferring any psittacine bird that has not been legally banded with a type of leg band authorized by the Commissioner applied during the prefeathered stage of development and appropriate to the size and species of the bird. The Commissioner authorizes the following bands: a traceable seamless or seamed Colorado leg band, a United States Department of Agriculture Quarantine Station leg band, or a band approved by any state. Seamed or split leg bands may only be applied when ordered through the Commissioner.
2. Leg Band Assignment. No licensee shall use another licensee's registered leg band nor shall licensee sell or transfer their registered leg band to another person.
3. Application for Band. Application for a traceable seamed leg band must be made to the Commissioner. Necessary documentation to be provided includes all purchase, transfer, or breeding records, health certificates, or quarantine information.
4. Leg Band Removal. A leg band that is causing injury to a bird may be removed provided the Department is notified. Upon sale, trade, or other means of transfer the bird must be accompanied with a traceable leg band approved by the Commissioner.
5. From time to time, the Commissioner may require other species of birds to be banded, in the Commissioner's discretion. In such event, the Commissioner shall provide written notification to any licensee affected by mailing to the last address provided by the licensee to the Commissioner.

F. RECORDS

1. Bird Transfer Records. Transfer records shall include: name, address, and phone number of both the seller and purchaser, date of transaction, the quantity of each species or type of bird sold, and the band number of each bird, if available. All records must be kept at the location designated on the facility license application for a period of two years following the transaction.
2. Yearly Reports. The licensee shall report to the Commissioner on a yearly basis the number of transfers to accurately determine licensing status. These figures shall be reported as set forth in Section 5.00 of these rules and regulations.
3. Availability. The above records shall be available to any inspector authorized by the Department at all reasonable times during business hours, or at other mutually agreeable times.
4. Transfer. Birds with signs of undisclosed disease or injury shall not be transferred, abandoned, or disposed of in an inhumane manner, pursuant to PACFA § 35-80-102 (7) .
5. Psittacosis Warning. Bird breeders selling psittacine birds shall furnish to each retail purchaser of one or more psittacine birds, a special Psittacine Bird Dealer Sales Record prescribed by the Department, giving the business name of the dealer, the name,

address and phone number of the person purchasing the bird(s), and number, species, and leg band identification number for each bird sold. Printed on this sales record shall be a warning to the purchaser of a possible psittacosis hazard. This warning shall include a description of the disease signs in birds, symptoms in humans and the critical need for prompt medical diagnosis and treatment.

G. INSPECTION LIMITATIONS

1. Breeding Rooms. If a separate breeding room is provided and there are birds in an active breeding cycle, only a visual inspection from a window or other non-invasive form of viewing will be conducted.
2. If entrance into the active breeding room is deemed necessary by the inspector designated by the Department, such entry will be conducted only if clean, unused protective clothing and footwear is used by the inspector and caution is taken to protect baby birds.

14.00 CAT BREEDER FACILITY REGULATIONS

A. LICENSE REQUIREMENTS

No person shall operate a cat breeding facility unless the person holds a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.

B. STRUCTURAL PLAN EVALUATION

1. Plan Submission. Detailed plans and specifications will be submitted to the Department whenever it is proposed to erect or extensively remodel any cat breeding facility, specifically, any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans pertaining to upgrades which are only electrical or plumbing in nature will not require a plan submission. Each cat breeder or any person intending to become a cat breeder shall be responsible for submitting plans and specifications. Plans shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction can begin and final approval of the constructed facility is necessary before operations can start.
2. Plan and Specification Content Requirements. Final plans and specifications shall comply with these regulations and shall include descriptions of the ventilation system, plumbing fixtures, and floor, wall, and ceiling finishes. It is not necessary for plans and specifications to be professionally drawn, providing the plans are legible, drawn or sketched to consistent scale, with dimensions indicated, accurately depicting the intended construction or remodeling.

C. GENERAL STANDARDS

1. Interior Surfaces. The interior facility surfaces shall be constructed and maintained so that they are water resistant and can be cleaned and sanitized. Floors directly beneath all animal enclosure areas must be of material which is water resistant and can be cleaned and sanitized. Painted or sealed surfaces are considered water resistant.
2. Electric Power. Electric power shall be provided.
3. Water. Potable water shall be provided for drinking purposes, with back flow prevention devices installed on any threaded faucets where hoses may be attached for cleaning the facility or on the main water line serving the facility.
4. Washrooms and Sinks. An accessible washroom or sink shall be provided to maintain personal hygiene among animal caretakers. A sink in good repair or a dishwasher shall be provided for washing and sanitizing.
5. Waste Water Disposal. Waste water from indoor facilities shall be disposed of by connection to a sanitary sewer or any state, county, or locally approved water disposal system. A method shall be provided to rapidly eliminate excess water from the facility floor, e.g., a floor drain.

D. ANIMAL ENCLOSURE STANDARDS

1. Primary Enclosures Defined. Primary enclosures are those enclosures in which the cat rests, sleeps or eats.
 - a. Primary enclosures shall be structurally sound and maintained in good repair and without hazardous corners or edges. They shall be constructed and maintained to enable the cats to remain dry and clean.
 - b. The floors of primary enclosures shall be constructed of solid material which can be easily cleaned and sanitized. Enclosures with mesh floors are not acceptable unless a solid resting surface is provided.
2. Heating and Cooling. Housing for cats shall be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health. The ambient temperature shall be consistent with the requirements of the specific pet animals. Heating shall be deemed necessary when the inside temperature of the facility falls below 50 degrees Fahrenheit for a period of 4 consecutive hours and cooling shall be deemed necessary when the temperature of the facility rises above 90 degrees Fahrenheit. The ambient temperature shall be consistent with the requirements of the specific breed, the age of the animal, or that to which the animal is acclimated. Ambient temperatures below 50 degrees Fahrenheit may be acceptable for cats so acclimated.
3. Ventilation. Housing for cats shall be ventilated with fresh or filtered air to minimize odors and moisture, and to provide for the health and comfort of the animals at all times. Means shall be provided to exhaust the air from the animal area to the outside of the building.

4. Lighting. Housing for cats shall have well distributed natural or artificial light for routine inspections, and to facilitate routine cleaning and the proper care and maintenance of the cats.
5. Spatial Requirements.
 - a. Cages where cats are permanently housed shall have a minimum space requirement of 10 square feet of floor space per cat. Unless the cage is used for short term breeding purposes, the space requirement shall increase by half the minimum space for each additional cat. Queens and litters shall only require a minimum floor space of 10 square feet until kittens are 10 weeks of age.
 - b. The size of the primary enclosure where cats eat and sleep shall be a minimum of 4 square feet of floor space per cat. Cats with primary enclosures less than 10 square feet of floor space shall be provided with a minimum 10 square foot of floor space exercise area for the cats to run, jump and play. Cats shall have access to the exercise area for a minimum 20 minutes once daily. The minimum height of the primary enclosure is 21 inches.
 - c. Unless under veterinary care, resting perches must be provided.
 - d. All cat enclosures shall be fully enclosed on all four sides.
 - e. If a facility utilizes outdoor cat enclosures, a fence perimeter shall surround the entire area where cats are kept to protect the cats from predators, stray animals, and humans.
 - f. Outdoor Facilities or Portions thereof.
 - (1) Outdoor enclosures for cats must include one or more shelter structures that are accessible to each cat in each enclosure and that are large enough to allow each animal housed within to sit, stand and lay in a normal manner and to turn freely. Perches will also be provided in each enclosure. Outdoor enclosures must have a roof, four sides and a floor and must provide the cats with protection from cold, heat and the direct rays of the sun; provide cats with protection from wind, rain or snow; be able to be cleaned and sanitized daily, when in use.
 - (2) Shelter from Sunlight. A shaded area will be provided to all cats housed in an outdoor primary enclosure to protect themselves from the direct rays of the sun. The shaded area provided shall be of a size directly proportional to the size of the cat being protected and shall be positioned so that maximum shade protection is provided. The shaded area shall be large enough to contain all the animals at one time and protect them from the direct rays of the sun.
 - (3) Shelter from Rain or Snow. A shelter will be provided to allow all cats housed in an outdoor primary enclosure to remain dry during rain or snow.

- (4) Shelter from Cold Weather. Shelter shall be provided which consists of a water resistant structure of suitable size to accommodate the animal and allow retention of body heat, made of durable material with a solid floor raised off the ground. No cat will be housed in a totally outdoor enclosure when the ambient temperature is less than 50 degrees Fahrenheit, unless acclimated to lower temperatures.
- (5) Drainage. Outdoor enclosures shall be designed, constructed, and suitably demonstrate drainage to eliminate natural or other excess water, regardless of surfacing material.
- (6) Surfaces. The surface of outdoor enclosures shall be solid, water resistant and capable of being cleaned and sanitized.
- (7) A perimeter fence will be constructed around the outdoor enclosure to protect cats from predators, stray animals and humans.

E. CARE AND HANDLING OF CATS

1. Food and Water

- a. Cats shall be fed at least once a day except under special veterinary care. The food shall be of such nutritional value necessary to meet the normal daily nutritional needs for the age, condition and size of the animal. Perishable food shall be refrigerated.
- b. Except when under special veterinary care, if potable water is not continually available to cats, it must be offered to the cats as often as necessary to prevent dehydration.
- c. Open food and water containers shall be accessible to the cats and located to minimize contamination. Disposable containers may be used if discarded after use. Self feeders and waterers may be used if cleaned regularly.
- d. Water and food containers and all other utensils shall be cleaned and sanitized with the use of heat, chemical solution, or a dishwasher using heat or chemical sanitizing solutions. These containers shall be cleaned and sanitized daily, or more often if necessary to maintain sanitary conditions.

2. Classification and Separation:

- a. Housing. Animals housed together in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions.
- b. Females in season (estrus) shall not be kept in the same primary enclosure, run, or exercise areas with males, except for breeding purposes.
- c. Any cat exhibiting an aggressive behavior shall be housed individually in a primary enclosure, run, or exercise area.

- d. Any queen in kitten will be housed individually in a primary enclosure, pen, or exercise area a minimum of one week prior to kitting date.
- e. Cats under quarantine or treatment for a suspected communicable disease shall be physically separated from other susceptible animals to minimize the dissemination of disease.
- f. Each pet animal shall be observed by the animal caretaker in charge, or by someone under the caretaker's direct supervision, on a daily basis. Sick, diseased or injured cats shall be provided with timely veterinary care or disposed of in a humane manner, pursuant to § 35-80-102(7).

F. SANITATION

- 1. Cleaning of Primary Enclosures. Cats shall be removed from the primary enclosure when water or chemical solution is used for cleaning. Occupied primary enclosures shall be cleaned as often as necessary to reduce disease hazards and odors, and to maintain sanitary conditions, by washing all surfaces with a detergent solution, followed by a safe and effective sanitizer.
 - a. Cage surfaces must be reasonably free of hair and dirt.
 - b. Litter boxes must be clean inside and out and litter should not be more than 30% saturated.
 - c. Bedding must be cleaned and sanitized regularly to prevent infestation by fleas and mites.
- 2. Facilities shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices. Premises shall remain free of accumulations of trash.
- 3. Waste Disposal. Animal and food wastes, bedding, dead animals, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards, and nuisances are minimized. Such wastes shall be removed at least weekly from the facility. As to dead animals, the licensee may wish to refer to § 25-1-612, C.R.S., as amended, and any local ordinances or rules and regulations concerning proper disposal.
- 4. Pest Control. Insects, parasites, avian and mammalian pests shall be controlled.
- 5. Storage. Supplies of food and bedding shall be stored off the floor or in waterproof, closed containers and protected against infestation or contamination by vermin.

G. KITTENING AREAS/NURSERY

- 1. Kitting areas and nurseries shall be kept clean and sanitized to minimize disease spread by infectious agents.

2. Only a visual inspection by the Department will be conducted if kitting is in progress or the nursery is occupied. If entry is deemed necessary by the inspector, unused, clean protective clothing and footwear must be worn.

H. RECORDS

1. Sales Records. Records of sales or transfers of cats shall be kept by the licensee for 2 years from the date of the transaction, with the records kept at the address specified in the license application. Sales records shall include the date of transaction, breed of cat, date of birth of the cat, cat registration information, and name and address of the purchaser.
2. Purchase Records. Purchase records shall also be maintained for at least 2 years, with the records kept at the address specified in the license application. Purchase records shall include the same information as required in Sales Records immediately above.
3. Veterinary Treatment Records. Treatment records shall be kept on all cats that receive any medications and/or immunizations used in the treatment or prevention of illness, or the treatment of injury, while in the care of the cat breeder facility. These records shall include the identification of the cat receiving medical treatment, the name of the medication and/or immunization used, the amount of medication used, and the time and date on which the medication and/or immunization was administered. These records shall be kept at the cat breeder facility for a period of 60 days after the sale of the cat.
4. Written disclosure of all treatments involving immunizations, medications, anthelmintics (dewormers) and all other treatments for parasites, administered thirty days prior to transfer, shall be provided to the purchaser of the cat at the time of the sale. A record detailing the product used, the dosage and the date administered shall be provided to the purchaser at the time of sale.
5. Availability. The above records shall be available to any inspector authorized by the Department at all reasonable times during business hours, or at other mutually agreeable times.
6. Yearly Reports. The licensee shall report to the Commissioner on a yearly basis the number of transfers to accurately determine licensing status. These figures shall be reported as set forth in Section 5.00 of these rules and regulations.

I. SALE OR TRANSFER

1. Reasonable care shall be taken to release for sale, trade or adoption only those cats that are free of undisclosed disease, injury or abnormality.
2. It is unlawful to sell, transfer or adopt cats under the age of 8 weeks.
3. It shall be unlawful to sell, transfer or adopt cats less than two pounds of body weight, unless a written waiver is provided by the breeder's veterinarian stating that the cat is of sufficient physical development and general health to be safely transferred or the cat is

greater than 12 weeks of age. The facility shall have a scale available adequate to ensure compliance with this requirement.

J. TRANSPORTING CATS

1. Temporary Enclosures Used to Transport Cats.
 - a. Temporary enclosures, such as crates or transport cages used to transport cats shall be secured, water resistant, constructed of cleanable material and designed to protect the health and ensure the safety of the animals. Such enclosures shall have ventilation to ensure the comfort and health of the cat at all times.
 - b. Such enclosures shall be constructed and/or positioned in the vehicle in such a manner that:
 - (1) Each animal in the vehicle has access to sufficient air for normal breathing.
 - (2) The openings of the enclosures are accessible at all times for emergency removal of the animals.
 - (3) The animals are afforded protection from the elements.
 - (4) The animal areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of the cats being transported.
 - c. Enclosures used to transport cats shall be large enough to ensure that each animal contained therein has sufficient space to turn, stand, and lie down. A mat, towel or some kind of soft base covering shall be provided in the kennel. Animals which are not conditioned to each other may not be transported in the same primary enclosure.
 - d. Enclosures used to transport cats shall be cleaned and sanitized between trips, or more often if necessary.
2. In the case of transportation, it will not be necessary for cats to have water available at all times but cats will be offered water sufficient to prevent dehydration.
3. Animals shall not be placed in enclosures over other animals in transit unless such enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.
4. If the trip is six hours or more in length, a litterbox shall be provided within each crate. The litterbox shall not cover more than 50% of the crate floor.
5. Vehicles.

- a. Vehicles used primarily in transporting cats shall be equipped to provide fresh or filtered air to all animals transported without injurious drafts.
- b. The animal cargo space shall be so constructed as to minimize the ingress of exhaust from the vehicle's engine.

15.00 PET GROOMING FACILITY REGULATIONS

A. DEFINITION:

A permanent or mobile commercial establishment where a pet animal may be cleaned, styled or have appearance maintained.

B. FACILITY STANDARDS

- 1. License Requirements: No person shall operate a pet grooming facility unless the person holds a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.
 - a. Independent Contractors. Any groomer licensed as an independent contractor at an already licensed facility may groom as an independent contractor at up to 2 additional licensed facilities with the same license. On the application for licensure, such groomers shall identify themselves as such and shall provide a facility name and street address for each premise at which they groom pet animals.
- 2. Structural Plan Evaluation:
 - a. Plan Submission. Detailed plans and specifications will be submitted to the Department whenever it is proposed to erect or extensively remodel any pet grooming facility, specifically, any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans which pertain to upgrades which are only electrical or plumbing in nature will not require plan submission. Each pet grooming facility or any person intending to become a pet grooming facility shall be responsible for submitting all plans and specifications. Plans shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction can begin and final approval of the constructed facility is necessary before operation can start.
 - b. Plan Specification Content Requirements. Final plans and specifications shall comply with these regulations and shall include descriptions of the ventilation system, plumbing fixtures, and floor, wall, and ceiling finishes. It is not necessary for plans and specifications to be professionally drawn, providing the plans are legible, drawn or sketched to consistent scale, with dimensions indicated, accurately depicting the intended construction or remodeling.

3. General Standards.

- a. Interior Surfaces. The interior facility surfaces, walls, cages, counters and tables, shall be constructed and maintained so that they are water resistant and can be cleaned and sanitized.
 - (1) A water resistant flooring surface, which can be readily cleaned and sanitized, shall extend at least 18 inches beyond any animal contact area such as cages, drying tables, drying benches, and grooming tables.
- b. Electric Power. Electric power shall be provided.
- c. Water. Potable water shall be provided for drinking purposes, with back flow prevention devices installed on any threaded faucets, submersible inlets, or on the main water line serving the facility.
- d. Washrooms and Sinks. Accessible wash rooms or sinks shall be provided to maintain personal hygiene among groomers. A sink in good repair or a dishwasher shall be provided for washing and sanitizing.
- e. Waste Water Disposal. Waste water from facilities shall be disposed of by connection to a sanitary sewer, holding tank, or any state, county, or locally approved water disposal system.
- f. Heating and Cooling. The pet animal grooming facility shall be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health. The ambient temperature shall be consistent with the requirements of the specific pet animals. When the animals are present, heating shall be deemed necessary when the temperature falls below 50 degrees Fahrenheit for a period of 4 consecutive hours and cooling shall be deemed necessary when the temperature of the facility rises above 90 degrees Fahrenheit.
- g. Ventilation. Area for pet animals shall be ventilated with fresh or filtered air to minimize odors and moisture and to provide for the health and comfort of the animals at all times. Means shall be provided to exhaust the air from the animal area to the outside of the building.
- h. Lighting. Pet animal grooming facilities shall have well distributed natural or artificial light to facilitate routine cleaning and the proper care and maintenance of the pet animals.
- i. In the event that a licensee is grooming at a pet animal show as an auxiliary facility site of that licensee, and the site prevents the licensee from meeting any of the requirements set forth in this Section, the licensee shall notify the Commissioner in writing, in advance of the show, of the provisions which cannot be met and the reasons therefore.

C. SPECIAL REQUIREMENTS

1. Pet animal holding or drying areas shall be large enough to allow the animal to stand, lie down, and turn around.
2. Cages and grooming areas such as tables, benches, and tubs shall be structurally sound and maintained in good repair.
3. The pet animal enclosures, cages or other restraint devices shall be constructed to prevent injury to the animals. Enclosures for pet animals may have wire flooring provided that the wire is of adequate gauge to prevent sagging under the weight of the animals, and the mesh is small enough to prevent their feet from passing through.
4. Tethering of animals is acceptable, provided the pet animal's owner consents. Tethering must be done in a manner that the tethered animal cannot become entangled with other pet animals and other objects. The tether and/or grooming loop must be attached to the dog by means of a well-fitted and nontightening collar or loop and the other end attached to a permanent, solid attachment. All tethering chains and/or grooming loops shall have a swivel. Grooming loops, tethers, or muzzles may be used only under constant direct human supervision.
5. Classification and Separation. Only compatible animals of the same household and/or with written consent of the owner(s) may be caged together or otherwise commingled.
 - a. There must be a minimum of one human supervisor (at least 18 years of age) present, at all times, directly attending each enclosure or common area where dogs from different owners are commingled.
 - b. Any pet animal exhibiting an aggressive behavior shall be housed individually.
 - c. Females in season (estrus) shall not be housed in the same primary enclosure or common area with males.
6. Grooming work areas, when in conjunction with veterinary facilities or other PACFA licensed facilities, shall be physically separated from primary enclosures, animal food storage or preparation areas, veterinary facilities, and isolation areas for sick animals.
7. Pet animals may be washed or bathed only with products that are shampoos, designed and labeled to be used to bathe or shampoo animals. Any product not labeled for use on animals may be used to bathe or shampoo pet animals only with the written consent of the owner. Products such as dishwashing soaps or detergents may be used only by prescription from a licensed veterinarian.
8. Veterinary Services. All pet animal grooming facilities shall have a working relationship with a veterinarian to provide timely veterinary care as appropriate for the illness or injury. The name and phone number of the veterinarian will be available to the inspector upon request.

D. CLEANING

1. All cages, benches, tables, tubs, etc. shall be sanitized after one animal ceases to occupy the space, before another occupies the same space.
2. Equipment such as brushes, combs and clipper blades shall be sanitized between uses on different animals.
3. The hair on the floor around each grooming station shall be removed after each animal. Common areas of the facility shall be kept in good repair and cleaned each business day.
4. Towels used to dry pet animals shall be adequately laundered after each use or before they are used on another pet animal.

E. WASTES

Hair and animal wastes and refuse shall be removed from the facility and disposed of at least weekly so as to minimize odors, disease hazards and vermin infestation.

F. WATER

1. Water shall be offered to animals remaining at the facility for more than 6 hours, and two times daily thereafter.
2. Water shall be offered in disposable dishes that shall not be used again by another animal, or dishes that are cleaned and sanitized between each animal.

G. DRYERS

1. Any dryers when being used in front of a crate, as a crate dryer, as a room dryer, or as a bench dryer, and any and all other dryers must be equipped with a timer that will automatically shut off the dryer after 30 minutes, unless it is used as a hand-held dryer or a dryer directly attended by a person.
2. When in use, portable cage dryers must not cover more than 20% of the total open area of the cage surface.

H. PRESCRIPTION PRODUCTS

1. The facility shall not use prescription dips for any purpose or other prescription products without a current treatment plan from a veterinarian. Nonprescription dips may be used with the owner's permission.
2. Grooming facilities shall not administer tranquilizers, sedatives, etc. for the purpose of grooming.

I. RECORDS

1. An incident file shall be kept yearly, for a period of three years, within each facility on animals which pertains to:

- a. sustaining injury while at the facility requiring veterinary contact;
- b. severe illness;
- c. seizures;
- d. veterinary treatment plans;
- e. death; or
- f. escape.

In the event of either death or escape, the licensee shall contact the Commissioner within 72 hours.

- 2. Availability. The above records shall be available to any inspector employed by the Colorado Department of Agriculture, Division of Animal Industry, at all reasonable times during business hours, or at other mutually agreeable times.

J. TRANSPORTING PET ANIMALS

1. Primary Enclosures - Enclosures to Transport Pet Animals.

- a. Temporary enclosures, such as compartments or transport cages, or crates, used to transport pet animals shall be secured, water resistant, well constructed of cleanable material, and designed to protect the health and ensure the safety of the animals. Such enclosures shall have ventilation to ensure the comfort and health of the pet animals at all times.
- b. Such enclosures shall be constructed or positioned in the vehicle in such manner that:
 - (1) Each animal in the vehicle has access to sufficient air for normal breathing.
 - (2) The openings of such enclosures are accessible at all times for emergency removal of the animals.
 - (3) The animals are afforded protection from the elements.
 - (4) The animal areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of the animals being transported.
- c. Enclosures used to transport pet animals shall be large enough to ensure that each animal contained therein has sufficient space to turn, stand, and lie down. Animals which are not conditioned to each other may not be transported in the same primary enclosure.

- d. Animals shall not be placed in enclosures over other animals in transit unless such enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.
 - e. Enclosures used to transport pet animals shall be cleaned and sanitized between trips, or more often if necessary.
 - f. Pet animals shall be removed from the vehicle a minimum of every 8 hours and allowed to urinate, defecate, and obtain exercise. The licensee shall document in writing, and keep on file while the dog is in transport, evidence of the exercise of these dogs.
- 2. Food and Water. Food and water shall be consistent with the requirements of Subsection F above.
 - 3. Classification and Separation. The same requirements of Subsection C4 above apply.
 - 4. Vehicles.
 - a. Vehicles used primarily in transporting pet animals shall be equipped to provide fresh or filtered air to all animals being transported without injurious drafts.
 - b. The animal cargo space shall be so constructed and maintained as to minimize the ingress of exhaust from the vehicle's engine.

16.00 PET ANIMAL BOARDING AND/OR TRAINING FACILITIES

A. GENERAL

- 1. Definition: A facility that cares for or houses pet animals in the absence of the owner or a facility that cares for pet animals in training in the absence of the owner or such owner's designee and receives compensation for said training services. Training services include housing, training, handling, showing, grooming and transporting pet animals. Such training services shall be for the purposes of exhibition, behavior modification or enhancement, field trial or lure course training, guard dog training, or any other type of training services.
- 2. Licensure for Pet Animal Boarding and/or Training Facilities. There shall be two subclassifications for pet boarding/training facilities:
 - a. Pet Handler: A person who does not maintain a central permanent facility for the purposes of training or housing dogs, but maintains a mobile or temporary facility for the purposes of transporting or training a pet in the absence of the owner and receives compensation for their services.
 - b. Network Pet Boarding Facility: A facility that offers pet animal boarding services to a pet owner for the purposes of boarding a pet or a family's pets within a residence that is part of a group of residence facilities operating under a single management. The boarding services provided by each family residence facility

are to be under the direction of a manager who arranges the contacts between the pet's owner and the individual family residence facility networked within the group.

Licensure or the provisions of these rules shall not apply to any owner, breeder, handler, or trainer while exhibiting or competing at any event licensed, regulated, or sanctioned by the American Kennel Club, United Kennel Club, or any other nationally recognized registering organization.

3. License Requirements.

No person shall operate a pet animal boarding and/or training facility unless the person holds a valid license issued by the Department pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.

B. FACILITY STANDARDS

1. The following facility regulations will take into consideration the healthful, safe, humane and varied conditions in which pet animals can be maintained while being boarded or housed.

2. Facility Plan Evaluation.

a. Submission of Plans. Detailed plans and specifications shall be submitted to the Department whenever it is proposed to erect or extensively remodel any pet animal boarding and/or training facility, specifically, any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans pertaining to upgrades which are only electrical or plumbing in nature will not require plan submission. Each facility or person intending to become a pet animal boarding and/or training facility shall be responsible for submitting all plans and specifications. Plans shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction begins and final approval is required before operation.

b. Contents of Plans and Specifications. Final plans and specifications shall show compliance with these regulations and shall include schedules describing the ventilation system, plumbing equipment and finishes of floors, walls, and ceilings, and location of cages, runs or pens, where appropriate. Outdoor boarding and/or training facilities shall include a layout of cages, runs, or pens; proximity of perimeter protective fence and height of the perimeter fence; location of potable water supply, area lighting; drawings and detailed description of shelter from the elements, food storage and preparation area. Plans need not be professionally drawn, providing the plans are legible, drawn or sketched to consistent scale, with dimensions indicated, accurately depicting the intended construction or remodeling.

- c. Remodeling. Plans for extensive remodeling shall show an outline of the facility and only the portion being remodeled need be detailed and approved.

3. Plan Rejection.

Definite rejection of plans submitted will be due to, but not limited to, the following reasons:

- a. Soil floors for any part of the interior floor of a boarding and/or training facility or any pet animal enclosures.
- b. Any construction deviation from the plans submitted which causes the facility to not meet the provisions of these rules and regulations.

C. PHYSICAL FACILITIES

1. Structural Standards. Each boarding and/or training facility shall:

- a. Use full walls to physically separate (may be within a single structure) pet animal housing areas for dogs, cats and other species. Any request for exception to this provision by pet animal day care facilities shall be made by petition to the Commissioner.
- b. Be constructed of building materials that will ensure the facility is of a sound physical structure.
- c. Be maintained in good repair.
- d. Protect animals kept there from injury, restrict entry of other animals from outside and ensure containment within the pet animal boarding and/or training facility by either a building or a fence designed to be escape-proof.
- e. Any facility that operates as a boarding/training facility as well as an animal shelter or rescue shall have separate ventilation and full wall separation between the boarding/training and shelter or rescue areas. facilities may request annually in writing from the Commissioner a waiver from this requirement if they can demonstrate provisions for the health and safety of the animals.

2. Interior Surfaces. The interior building surfaces of boarding and/or training facilities shall be constructed and maintained so that they are water resistant and readily cleaned and sanitized. These surfaces need not extend more than 18 inches beyond the perimeter of any animal enclosure or sink. Wood enclosure parts and accessories must be painted or sealed. Flooring directly beneath all pet animal primary enclosure areas must be of water resistant materials that can be cleaned and sanitized. Smooth finished, sound concrete surfaces are acceptable.

3. Electric Power. Electric power shall be provided.

4. Water. Potable water shall be provided for drinking purposes, with back flow prevention devices installed on any threaded faucets where hoses may be attached for cleaning the facility or on the main supply line to the facility.
5. Container Cleaning, Hand Sink or Washroom.
 - a. A sink in good repair or a dishwasher shall be provided for washing and sanitizing food and water containers.
 - b. The sink can be used for handwashing, or a washroom provided.
6. Heating and Cooling. Housing for pet animals shall be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health. The ambient temperature shall be consistent with the requirements of the specific pet animals. Heating shall be deemed necessary when the inside ambient temperature of the facility falls below 50 degrees Fahrenheit for a period of 4 consecutive hours and cooling shall be deemed necessary when the temperature of the facility rises above 90 degrees Fahrenheit.
7. Ventilation. Housing for pet animals shall be ventilated with fresh or filtered air to minimize odors and moisture, and to provide for the health and comfort of the animals at all times. Means for ventilation can be mechanical or natural, providing odors are minimal and the temperature range set forth immediately above is maintained, within the requirements consistent with the species.
8. Lighting. Boarding and/or training facilities for pet animals shall have well distributed natural or artificial light for routine inspections, and to facilitate routine cleaning and the proper care and maintenance of the pet animals.
9. Waste Water Disposal.
 - a. Waste water from indoor facilities shall be disposed of by connection to a sanitary sewer or any state, county, or locally approved water disposal system. A method shall be provided to rapidly eliminate excess water.
 - b. Outdoor enclosures shall be designed, constructed, and suitably demonstrate drainage to eliminate natural or other excess water, regardless of surfacing material.
10. Grooming Facilities. Grooming work areas at boarding and/or training facilities shall be physically separated from primary enclosures, animal food storage or preparation areas, and isolation areas for sick animals.
11. Isolation Area. All pet animal boarding and/or training facilities must provide segregation for animals that are infected with a contagious disease or suspected of being infected. The facility shall remove such sick animals to a veterinary facility or provide an area isolated from the rest of the animal population.

D. PET ANIMAL PRIMARY ENCLOSURE STANDARDS

This copy of the text of the "Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act" is provided as a convenience to the public by the Colorado Department of Agriculture and does not constitute an official publication of these Rules. The official version of these Rules is published by the Office of the Secretary of State in the Colorado Code of Regulations at 8 CCR 1201-11 and may be obtained from the following website: <http://www.sos.state.co.us/CCR/Welcome.do>.

1. Definition: Primary enclosures are those animal enclosures in which the pet animal rests, sleeps and/or eats.
2. Indoor and Outdoor Facilities.
 - a. General. Primary enclosures shall be structurally sound and maintained in good repair to protect animals from injury, to contain them, and to keep other animals or predators away from and out of any enclosure where animals are kept. Primary enclosures shall be constructed such that they can be routinely maintained to allow animals to stay dry and clean and to provide convenient access to clean food and water.
 - b. Floors. The floor of the primary enclosure shall be constructed to prevent injury to the animals' feet and legs. Enclosures for pet animals may have wire flooring provided that the wire is of adequate gauge to prevent sagging under the weight of the animals, and the mesh is small enough to prevent their feet from passing through.
 - c. Cleaning Requirements. All surfaces of primary enclosures shall be constructed and maintained so that they are water resistant and easily cleaned and sanitized.
 - d. Space Requirements. All primary enclosures shall be constructed to provide sufficient space to allow each pet animal to exercise normal postural movements.

(1) Primary Enclosures for Dogs.

Minimum space requirements:

- (a) Each individually enclosed dog that does not have access to a run or exercise area must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of the nose to the base of the tail) plus 6 inches; then divide the product by 144 and multiply by 2. The calculation is: $(\text{length of the dog in inches} + 6) \times (\text{length of the dog in inches} + 6) \div 144 \times 2 = \text{required floor space in feet}$. The minimum floor space is 6 sq. ft.
- (b) Each primary enclosure, in which a dog spends the majority of its day, shall have the following minimum requirements:
 - x-small dogs up to 10 inches high – 4.5 sq. ft.;
 - small dogs up to 16 inches high – 6.0 sq. ft.;
 - medium dogs up to 22 inches high – 9.0 sq. ft.;
 - large dogs up to 26 inches high – 12 sq. ft.;

extra large dogs up to 30 inches high – 16 sq. ft.;

giant breeds over 30 inches high – 18 sq. ft.

The height shall be 1½ times the height of the dog at the shoulder with a maximum height required of 48 inches and a minimum height of 18 inches.

If more than one dog occupies these primary enclosures, space will be figured for the first dog, with each additional dog needing one-half of the minimum space required.

These dimensions are not considered to be exercise areas. An exercise area or run is required for each animal housed in such an enclosure. The exercise area or run may be, but need not be, contiguous with the primary enclosures specified above. Each dog housed in the specified primary enclosure space must be provided the opportunity to exercise for a minimum of 60 minutes in 24 hours. An exercise plan is required pursuant to Subsection D2d(2)(e) below.

- (c) If crates are used with the written consent of the owner to house dogs, including weaned puppies, the minimum space requirements are as follows:

Dogs, regardless of weight, will have a crate that is a minimum of the length of the dog from the tip of the nose to the base of the tail, plus 3 inches, shall allow a minimum clearance in height at the shoulder of 3 inches while the dog is standing and shall permit the dog to turn around and lay down. Crates of this size are not to be used for exercise areas. Crates of these minimum dimensions shall be used to house one dog only.

An exercise area or run is required for animals housed in a crate. Dogs housed in crates shall be provided an opportunity to exercise for a minimum of 60 minutes in 24 hours. An exercise plan is required pursuant to Subsection D2d(2)(e) below

- (2) Runs and Exercise Areas for Dogs.

Minimum space requirements.

- (a) The length of the runs and exercise areas shall be a minimum of 3 times the length of the dog from the tip of the nose to the base of the tail; the width shall allow the dog to turn around easily; and the height shall be 1½ times the height of the dog at the shoulders, with the maximum height required of 48 inches, the minimum of 18 inches.

- (b) Indoor/Outdoor runs that have the primary enclosure and the exercise area in combination shall for measuring purposes be considered one exercise run and shall be measured from the extreme inside to the extreme outside for length determination.
- (c) Outdoor or indoor runs used as primary enclosure and exercise area in combination shall be measured from one extreme end to the other extreme end for length. The same criteria will apply to free standing runs used for exercise areas only.
- (d) Runs and Exercise Areas. Dogs housed as described in Subsections D2d(1)(b) and (c) above shall be provided with runs or exercise areas.
 - i. Runs and exercise areas may have wire flooring provided that the wire is of a gauge adequate to prevent sagging under the weight of the animals or injury to the animals' feet, and the mesh is small enough to prevent their feet from passing through.
 - ii. Exercise areas do not need shelter or dog houses if they are not primary enclosures, but must have shade provided with the shaded area of a size directly proportional to the size of the dog being shaded.
- (e) Dogs housed in primary enclosures or crates described in Subsections D2d(1)(b) and (c) above shall be provided the opportunity to exercise for a minimum of 60 minutes in 24 hours. The licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs. The written document shall address the owner's specific requests concerning exercise.

(3) Primary Enclosures for Cats.

Minimum Space Requirements: If more than one cat occupies these primary enclosures, space will be figured for the first cat, with each additional cat needing one-half of the minimum space required. Each cat, including weaned kittens, that is housed in any primary enclosure shall be provided minimum vertical height and space as follows:

- (a) Each primary enclosure for housing cats must be at least 21 inches high.
- (b) Cats up to and including 9 pounds must be provided at least 3 sq. ft. of open floor space.
- (c) Cats over 9 pounds must be provided at least 4 sq. ft. of open floor space.

- i. The litter pan may be considered part of the floor space if it is the flat hooded type.
- ii. If the primary enclosure floor is wire, the wire used shall be of a gauge adequate to support the animal without sagging and solid base of water resistant material shall cover the wire.

(4) Outdoor Facilities

- (a) Outdoor facilities shall meet the requirements of this Subsection D. Animals boarded or housed outdoors when the mean daily temperature is below 45 degrees Fahrenheit shall be so acclimated. Cats (unless acclimated) or sick, infirm, aged or very young pet animals shall not be boarded or housed outside when the mean daily temperature is below 45 degrees Fahrenheit.
- (b) Shelter from Weather Elements. Animals confined for boarding and/or training at outdoor facilities shall have:
 - i. Shelter from Sunlight. Shade shall be provided to allow all pet animals kept outdoors to protect themselves from the direct rays of the sun, to prevent overheating. The area shaded shall be in size directly proportional to the size of the pet animal being protected; care shall be taken to position the shade so maximum protection is provided.
 - ii. Shelter from Rain, Snow and Cold Weather. A primary enclosure shelter shall be provided to allow all pet animals housed outdoors protection from the weather elements. Shelter provided shall be water resistant, constructed of durable material, have a solid floor raised off the ground, of suitable size to accommodate the pet animal and allow for retention of body heat.
 - iii. Protection. Fencing shall be provided to protect pet animals from predators, stray animals, and humans.
 - iv. Illumination. Yard light(s) shall be provided for night time inspection of pet animals.

(5) Tethering of pet animals is acceptable when cleaning enclosures.

Facilities that board or train Alaskan dog breeds or Alaskan breed crosses specifically for the purpose of pulling dog sleds may request the Commissioner in writing for a waiver of the prohibition against dog houses with chains (tethering) as a primary enclosure. Such a request for waiver shall be submitted annually with each application or

reapplication for licensure. Granting such waiver is in the sole discretion of the Commissioner.

- (a) No female dogs in whelp or with puppies shall be tethered.
 - (b) If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs and any other objects. Such chains should be a minimum of 6 feet and of a type commonly used for the size dog involved and shall be attached to the dog by means of a well-fitted, nontightening collar or harness. All tethering chains shall have a swivel.
 - (c) If tethering is used, a fence perimeter shall surround the entire tethering area to protect the tethered dogs from predators, stray animals and humans.
- (6) Primary Enclosures for Other Pet Animals. Primary enclosures for pet animals not specifically noted in this section shall be in each species or category respectively (e.g. bird breeder or small animal breeder), or as directed by the Commissioner.

E. SANITATION STANDARDS

1. General Conditions.

- a. Cleaning of Pet Animal Enclosures. Pet animals shall be protected from exposure to water or chemical solution used for cleaning the primary enclosure. Animal wastes shall be removed from primary enclosures daily or more frequently to prevent contamination of the pet animals contained therein and to reduce disease hazards and odors.
- b. Occupied primary enclosures of minimum size shall be cleaned as often as necessary to reduce disease hazards and odors, and to maintain sanitary conditions by cleaning and sanitizing all surfaces. Primary enclosures shall be cleaned and sanitized after one animal ceases to occupy the space, before another occupies the same space.
- c. Occupied indoor runs or pens used as primary enclosures shall be cleaned on a regular basis to remove contamination from interior surfaces; sanitizing methods will be used as necessary to reduce odors and control disease.
- d. Occupied outdoor runs or pens used as primary enclosures or exercise areas will be cleaned to remove contamination.
 - (1) Hard Surfaced Runs and Pens. Cleaning shall be accomplished by washing all soiled surfaces with a detergent, followed by a safe and effective sanitizer.

- (2) Runs, Pens, and Exercise Areas. Gravel, sand, or soil shall be sanitized by removing the soiled gravel, sand, or soil and replacing it when the material is permeated with urine and/or fecal matter that is not removable without removing the material, or when odors are present.
2. Waste Disposal. Animal and food wastes, bedding, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards, and nuisances are minimized. Such wastes shall be removed at least weekly, or more frequently, from the facility where animals are kept.
3. Premises Housekeeping. Buildings and grounds where pet animals are kept shall be kept clean, in good repair, and free of trash. Weeds shall be mowed or cut down in enclosures where animals are kept or exercised.
4. Pest Control. Boarding and/or training facilities shall use controls to keep the facility as free as possible from vermin and insects. Food exposed to rodents shall be discarded.
5. Supply Storage. Food shall be stored off the floor and perishables shall be refrigerated. Bulk dry or unsealed bagged food shall be stored in water resistant, closed containers.

F. PET ANIMAL CARE AND HANDLING STANDARDS

1. Food and Water
 - a. Pet animals shall be fed consistent with the nutritional needs for the age of the animal, at least once a day, except when under special veterinary care. The food, when provided by the licensee, shall be of such nutritional value necessary to meet the normal daily needs for the condition and size of the animal.
 - b. Potable Water. If potable water is not continually available to pet animals, it must be offered to pet animals as often as necessary to prevent dehydration or heat prostration, except when under special veterinary care.
 - c. Open food and water containers shall be accessible to the pet animal and located to minimize contamination by excreta.
 - d. Container Cleaning. Water and food containers and all other utensils shall be cleaned and sanitized with the use of heat or chemical sanitizing solution or a dishwasher utilizing heat or chemical sanitizing solutions. Water and food containers shall be cleaned at least weekly or more frequently if soiled, and before being used to feed and water different pet animals. Disposable containers may be used if discarded after each use. Self feed and water devices may be used if cleaned at least weekly, or more frequently if soiled.
2. Classification and Separation
 - a. Any pet animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- (1) Any pet animal exhibiting an aggressive behavior shall be housed individually.
- (2) Females in season (estrus) shall not be housed in the same primary enclosure or exercise area with males.
- (3) Pet animals of different ownership consigned for boarding or training shall not be boarded or housed in the same enclosure without the written consent of each owner.
- (4) There must be a minimum of one human (at least 16 years of age) supervisor present, at all times, who has immediate access to and is able to directly supervise and constantly view each enclosure or common area where dogs from different owners are commingled. Under no circumstances shall viewing by video camera or through windows be considered acceptable supervision or satisfy this requirement.
- (5) If more than 15 dogs are housed in a common area or enclosure then there must be at least one human supervisor for each 15 dogs housed within each enclosure or common area.

For example:

2-15 dogs – one supervisor

16-30 dogs – two supervisors

31-45 dogs – three supervisors

45-60 dogs – four supervisors

- (6) No more than 60 dogs may be housed in any enclosure or common area at any one time.
3. Except as set forth in Subsection D2d(1)(a) above, facilities that do not use primary enclosure/exercise area combinations for dogs shall provide exercise areas or handlers to exercise the dogs. Each caged dog shall be permitted a minimum of 60 minutes of exercise per 24 hours, weather permitting. The licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.
 4. Animal Control Devices.
 - a. Definition: Any apparatus used for behavioral control of pet animals in boarding and/or training facilities.
 - b. Animal control devices can be used for the safety of pet animals and handlers. Behavioral control devices shall be humane and used humanely for the manufacturer's intended use. All self tightening collars or pinch collars or choke

chains may be used only when the dogs are directly attended and otherwise shall be removed while pets are housed within the facility.

- c. Battery operated or electrical devices, such as shock collars, shock prods, or electric fence as well as pinch collars and choke collars shall be utilized only with the owner's written consent. All behavioral devices must be removed when dogs are placed into kennels or cages.

G. RECORDS

1. Records of animals boarded and/or trained shall be kept by the facility for two years from the date of the transaction, with the records kept at the address specified in the license application. The records shall include the name and address of the owner of the pet animal, date of transaction, species/breed, specific identifying characteristics (if available), gender and age, and name of the owner's veterinarian (if available).
2. A record shall be kept of communicable disease immunizations for each boarded or trained animal at the facility, including rabies, recording the date on which the immunization was given or the expiration date. These records can be transferred to and kept on kennel forms. These records shall be retained at the boarding and/or training facility for a period of 30 days after the animal leaves the facility.
3. Disposition records for boarded or trained animals shall be maintained at the facility during the period the animal is being boarded or housed. These records shall include a mutual agreement concerning veterinary care to treat diseased or injured animals and disposition of animals that die at the facility. The licensee may also wish to consider a statement concerning abandonment of animals at the facility.
4. An incident file shall be kept yearly, for a period of three years, within each facility on animals which pertains to:
 - a. sustaining injury while at the facility requiring veterinary contact;
 - b. severe illness;
 - c. seizures;
 - d. veterinary treatment plans;
 - e. death; or
 - f. escape.

In the event of either death or escape, the licensee shall contact the Commissioner within 72 hours.

5. Availability. The above records shall be available to any inspector employed by the Colorado Department of Agriculture, Division of Animal Industry, at all reasonable times during regular business hours or as mutually agreed.

H. VETERINARY CARE/DISEASE CONTROL

1. Veterinary Requirements.

- a. Veterinary Services. All pet animal boarding and/or training facilities shall have a working relationship with a veterinarian to provide timely treatment for injured or diseased animals. The name and phone number of the veterinarian will be available to the inspector upon request.
- b. Any pet animal that becomes seriously ill or seriously injured must be diagnosed by a veterinarian in a timely manner and prescribed therapy followed. Animals must be provided with timely veterinary care or provided euthanasia pursuant to PACFA § 35-80-102(7).
- c. Pet animals shall be observed daily by the person in charge of the pet animal boarding and/or training facility, or by an employee working under his/her supervision, for signs of disease or injury. An animal suspected of having an infectious disease shall be physically separated from other susceptible animals and placed in an isolation area or removed to a veterinary facility until the condition is determined to be noninfectious.
- d. Prescription medication can only be administered to pet animals under the direction of a licensed veterinarian. Boarding and/or training facility operators acting as agents for the owner may administer prescription medication to pet animals being boarded or housed as directed by the owner's veterinarian. If the boarding and/or training facility operators agree to administer prescription medications, they shall be given according to the labeled directions. Prescription medications must be in the container issued by either a veterinarian or pharmacy. The following information must be legible on the container:

Client's name/pet animal name;

Dosage;

Drug name;

Veterinarian's name; and

Date issued.
- e. Animals that die at the pet animal boarding and/or training facility may be refrigerated or frozen or disposed of in a manner that will not cause a disease hazard or nuisance in accordance with the owner's or veterinarian's instructions. Pet animal remains intended for a necropsy will be handled per veterinarian's instruction. The licensee may wish to refer to § 25-1-612, C.R.S., as amended, and/or local ordinances or regulations concerning proper disposal.

- f. Boarding and/or training facilities shall not administer tranquilizers, sedatives, etc. without the prescription from a veterinarian and the written permission of the owner.
2. Disease Control Requirements.
- a. Reporting of Zoonotic Disease. Reporting requirements exist under § 25-1-662, C.R.S., as amended, as well as possibly other statutes, rules and regulations.
 - b. Cleanliness. All areas and isolation rooms which contain pet animals having infectious or transmissible disease shall be cleaned and sanitized each day.
 - c. Release or Transfer. Reasonable care shall be taken to release or transfer pet animals that are free of disease. Diseased animals can be transferred to a veterinary facility or diseased animals can be returned to the owner under veterinarian direction. Quarantined animals shall not be released until the quarantine is rescinded, or until quarantined elsewhere.
 - d. Quarantine. Quarantine requirements exist under §§ 25-5-604 and 605, 25-4-709, and 35-50-110, C.R.S., as amended, and possibly other statutes, rules and regulations.
3. The facility inspector shall follow Department protocols concerning sanitization of footwear.

I. TRANSPORTING PET ANIMALS

1. Primary Enclosures - Enclosures to Transport Pet Animals.
- a. Temporary enclosures, such as compartments or transport cages, or crates, used to transport pet animals shall be secured, water resistant, well constructed of cleanable material, and designed to protect the health and ensure the safety of the animals. Such enclosures shall have ventilation to ensure the comfort and health of the pet animals at all times.
 - b. Such enclosures shall be constructed or positioned in the vehicle in such manner that:
 - (1) Each animal in the vehicle has access to sufficient air for normal breathing.
 - (2) The openings of such enclosures are accessible at all times for emergency removal of the animals.
 - (3) The animals are afforded protection from the elements.
 - (4) The animal areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of the animals being transported.

- c. Enclosures used to transport pet animals shall be large enough to ensure that each animal contained therein has sufficient space to turn, stand, and lie down. Animals which are not conditioned to each other may not be transported in the same primary enclosure.
 - d. Animals shall not be placed in enclosures over other animals in transit unless such enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.
 - e. Enclosures used to transport pet animals shall be cleaned and sanitized between trips, or more often if necessary.
 - f. Pet animals shall be removed from the vehicle a minimum of every 8 hours and allowed to urinate, defecate, and obtain exercise. The licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.
- 2. Food and Water. Food and water shall be consistent with the requirements of Subsection F1 above.
 - 3. Classification and Separation. The same requirements of Subsection F2 above apply.
 - 4. Vehicles.
 - a. Vehicles used primarily in transporting pet animals shall be equipped to provide fresh or filtered air to all animals being transported without injurious drafts.
 - b. The animal cargo space shall be so constructed and maintained as to minimize the ingress of exhaust from the vehicle's engine.

Transportation for pet animals not specifically noted in this section shall be in accordance with regulations set forth under each species or category, respectively (e.g. bird breeder), or as directed by the Commissioner.

17.00 ANIMAL RESCUE FACILITY REGULATIONS

A. FACILITIES STANDARDS

- 1. Definition of Pet Animal Rescue: "Pet Animal Rescue" as used herein means any person who accepts pet animals for the purpose of finding permanent adoptive homes for animals and does not maintain a central facility for keeping animals, but rather uses a system of fostering in private homes, or boarding or keeping in licensed pet animal facilities. Any licensed pet animal facility fostering more than 15 rescue dogs or cats at any time and at any location shall be required to be licensed as an animal shelter and shall meet the requirements of an animal shelter as set forth in Chapter 18 of these rules and regulations.
- 2. License Requirements.

- a. No person shall operate a pet animal rescue unless the person holds a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.
 - b. Persons who do not accept or release pet animals in excess of the following limits per year shall not be required to hold a license as a pet animal rescue: the limits on transfers for hobby breeders as defined in PACFA § 35-80-102 or within the PACFA rules and regulations.
 - c. Rescue agencies operating a mobile adoption unit must either be licensed themselves or choose sites licensed as pet animal dealerships.
3. "Foster home" as used herein is a site at which, through a written agreement with a licensed rescue facility, provides care and/or rehabilitation for sick, injured, orphaned, juvenile or other pet animals which are otherwise the responsibility of the rescue facility. No more than 8 adult dogs or cats may be housed in any foster home at any time. A female dog with puppies under 8 weeks of age or a queen with kittens under 8 weeks of age will be considered as 1 adult.
4. Structural Standards. Places in which rescue animals are kept shall:
- a. Meet the following standards:
 - (1) Be constructed of building materials that will ensure a sound physical structure.
 - (2) Be maintained in good repair.
 - (3) Protect animals kept there from injury, restrict entry of other animals from outside the property and ensure containment of fostered pet animals within the property.
 - b. Electric Power. Electric power shall be provided.
 - c. Water. Potable water shall be provided for drinking purposes.
 - d. Heating and Cooling. Housing for pet animals shall be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health. The ambient temperature shall be consistent with the requirements of the specific pet animals. Heating shall be deemed necessary when the inside temperature of the facility falls below 50 degrees for a period of 4 consecutive hours and cooling shall be deemed necessary when the temperature of the facility rises above 90 degrees Fahrenheit.
 - e. Ventilation. Foster homes shall be adequately ventilated with fresh or filtered air to minimize drafts, odors, and moisture condensation, and to provide for the

health and comfort of the animals at all times. Ventilation may be by either natural or mechanical means, such as windows, vents, fans, or air conditioning.

- f. Lighting. Natural or artificial lighting shall be provided to permit inspection and facilitate routine cleaning and the proper care and maintenance of the pet animals.
- g. Primary Enclosures. If primary enclosures are used, the cages, pens, crates, or kennels shall meet the following requirements:
 - (1) Primary enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them, and to keep predators out.
 - (2) Cage/Kennel Floors. Floors of primary enclosures shall be constructed to prevent injury to the animals' feet. Floors may be wire provided that the wire is of adequate gauge to prevent sagging under the animals' weight and the mesh is small enough to prevent their feet from passing through.
 - (3) Cleaning Requirements. All the surfaces of the primary enclosure shall be constructed of material that is water resistant and can be cleaned and sanitized.
 - (4) Space Requirements. All primary enclosures shall allow each pet animal to turn around, exercise normal postural movements, and experience necessary socialization with cage mates, when applicable. Primary enclosures for pet animals shall be in accordance with the regulations set forth for each species or category respectively (e.g. dog breeder, cat breeder, bird breeder, small animal breeder), or as directed by the Commissioner.
- h. Sanitation.
 - (1) Buildings and grounds shall be kept clean and free of accumulations of trash.
 - (2) Animal wastes shall be removed from primary enclosures and exercise areas daily or more frequently, if necessary.
 - (3) Pet animals shall be protected from exposure to water or chemical solution when used for cleaning primary enclosures. Primary enclosures shall be cleaned and sanitized as often as necessary to reduce disease hazards and odors; minimally, after one animal ceases to occupy the space, before another occupies the same space.

B. OUTDOOR FACILITIES

Outdoor facilities for rescue animals shall be in accordance with the regulations set forth for each species or category respectively (e.g. dog breeder, cat breeder, bird breeders, small animal breeder), or as directed by the Commissioner.

C. CARE OF PET ANIMALS

1. Food and Water. Pet animals shall be fed consistent with the nutritional needs for the age and species, except when under special veterinary care.
 - a. Animal food shall be of such nutritional value necessary to meet the normal daily nutritional needs of the animal.
 - b. Perishable food shall be refrigerated.
 - c. Animal food containers shall be kept clean and sanitary.
 - d. Potable water shall be available to pet animals consistent with the species, except when under special veterinary care.
2. Classification and Separation. Any pet animals housed in the same primary enclosure shall be maintained in compatible groups. Any pet animal exhibiting an aggressive behavior shall be housed individually.
3. Veterinary Care. All rescue agencies shall have a working relationship with a veterinarian or veterinarians to provide timely treatment for injured or diseased animals. The name and phone number of the veterinarian(s) will be available to the inspector upon request.
 - a. Pet animals shall be observed daily for signs of disease or injury by the fostering individual.
 - b. Sick or injured animals must be provided with timely veterinary care or euthanized humanely pursuant to PACFA § 35-80-102 (7).

D. RECORD REQUIREMENTS

Rescue agencies shall keep records of all animals accepted by them for two years from the date of disposition.

1. Each record shall contain the following:
 - a. A physical description of the animal, including species and/or breed, color, sex, and age (when possible).
 - b. Source of the animal, with the date of acquisition, and the name and address of the surrendering party, if applicable.
 - c. All records of medical treatment while the animal is in the custody of the rescue agency.

- d. Disposition of the animal, with the date of adoption, transfer of ownership, or euthanatization, and the name, address, and phone number of the adopting party.
 - e. In the case of psittacine birds, the record shall include the band number or other identification approved by the Commissioner.
- 2. Psittacosis Warning. Rescues selling or adopting psittacine birds shall furnish the buyer or adopter of each psittacine bird a special Psittacine Bird Sales Record prescribed by the Department, giving the business name of the rescue, the name, address and phone number of the person buying or adopting the bird, and the number, species and leg band identification number for each bird. Printed on this sales record shall be a warning to the buyer or adopter of a possible psittacosis hazard. This warning shall include a description of the disease signs in birds, symptoms in humans and the critical need for prompt medical diagnosis and treatment.
 - 3. All records shall be made available to the Commissioner at all reasonable times during business hours, or at other mutually agreeable times.
 - 4. Licensees shall maintain lists containing the current street address for each place or premise at which pet animals are kept or transferred.
 - 5. The animal rescue licensee shall report to the Commissioner on a yearly basis the number of dogs, cats and other pet animals that are accepted into the animal rescue or foster home(s). The animal rescue licensee shall also report to the Commissioner on a yearly basis the number of dogs, cats or other pet animals that are returned to the owner, adopted to new owners, transferred to other licensed facilities, euthanized or died while at the facility. The reports shall be submitted on forms supplied by the Commissioner.

E. SPECIAL REQUIREMENTS FOR PSITTACINE BIRDS

- 1. Possession Restrictions.
 - a. Authorized Bands. In accordance with PACFA, § 35-108-108 (1) (i), no person shall import or have in his possession for the purpose of selling, trading, giving or otherwise transferring any psittacine bird that has not been legally banded with a type of leg band authorized by the Commissioner applied during the prefeathered stage of development, and appropriate to the size and species of the bird. The Commissioner authorizes the following bands: a traceable seamless or seamed Colorado leg band, a United States Department of Agriculture Quarantine Station leg band, or a band approved by any state. Seamed or split leg bands may only be applied when ordered through the Commissioner.
 - b. Leg Band Assignment. No licensed pet animal rescue shall use another licensee's registered leg band nor shall a licensee sell or transfer their registered leg band to another person.
 - c. Application for Band. Application for a traceable seamed leg band must be made to the Commissioner. Necessary documentation to be provided includes all

purchase, transfer, or breeding records, health certificates, or quarantine information.

- d. Leg Band Removal. A leg band that is causing injury to a bird may be removed provided the Department is notified. Upon sale, trade or other means of transfer the bird must be accompanied with a traceable leg band approved by the Commissioner.
- e. From time to time, the Commissioner may require other species of birds to be banded, in the Commissioner's discretion. In such event, the Commissioner shall provide written notification to any licensee affected by mailing to the last address provided by the licensee to the Commissioner.

F. SALE OR TRANSFER

- 1. Reasonable care shall be taken to release for sale, trade or adoption only those pet animals that are free of undisclosed disease, injury or abnormality.
- 2. It is unlawful to sell, transfer or adopt dogs or cats under the age of 8 weeks, or guinea pigs, hamsters or rabbits under the age of 4 weeks.
- 3. It shall be unlawful to sell, transfer or adopt cats less than two pounds of body weight. The facility shall have a scale available adequate to ensure compliance with this requirement.

G. INSPECTIONS

- 1. The licensee shall inspect each of its foster homes at least once a year, with a record of those inspections kept at the address specified in the license application. The inspection form shall include the date and signature of the foster care provider and the signature of the person inspecting the foster care facility.
- 2. The Commissioner may, upon request, have access to any part of a foster home in which fostered pet animals are kept.

18.00 ANIMAL SHELTER REGULATIONS

A. DEFINITIONS AND ABBREVIATIONS

- 1. "animal shelter" - a public or private facility which, minimally, houses animals for impoundment purposes; or a centralized private facility which accepts or houses more than 15 dogs or cats, or for other species except fish, more than the limits on transfers for hobby breeders as defined in PACFA § 35-80-102, or within the PACFA rules and regulations for any disposition including harboring. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.
- 2. "foster home" - a site at which, through a written agreement with a licensed shelter facility, provides care and/or rehabilitation for sick, injured, orphaned, juvenile or other pet animals which are otherwise the responsibility of the shelter.

3. "mobile adoption" - a site other than the central shelter facility at which pet animals may be offered for adoption to the general public.

B. FACILITY STANDARDS

In the event a public shelter is unable to comply with any of the facility standards due to lack of funding, the public shelter shall so inform the Commissioner in writing. The public shelter shall update this information annually.

1. License Requirements:

No person shall operate an animal shelter unless that person holds a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00 of these rules and regulations. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.

2. Structural Plan Evaluation:

- a. Plan Submission. Detailed plans and specifications shall be submitted to the Department whenever it is proposed to erect or extensively remodel any animal shelter, specifically any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans pertaining to upgrades which are only electrical or plumbing in nature will not require a plan submission. Each animal shelter or person intending to become an animal shelter shall be responsible for submitting all plans and specifications. Plans shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction can begin and final approval of the constructed facility is necessary before operation can start.
- b. Plan Specification Content Requirements. Final plans and specifications shall comply with these rules and regulations and shall include schedules describing the ventilation system, plumbing fixtures and floor, wall, and ceiling finishes. It is not necessary for plans and specifications to be professionally drawn, providing the plans are legible, drawn or sketched to consistent scale, with dimensions indicated, accurately depicting the intended construction or remodeling.

3. Physical Facility Standards:

- a. Structural Standards

- (1) Be constructed of building materials that will ensure the facility is of a sound physical structure.
- (2) Be maintained in good repair.
- (3) Protect animals kept there from injury, ensure containment of pet animals within the pet animal facility, and restrict entry of other animals

and humans from outside by either a building or a perimeter fence designed to be escape-proof.

- b. Interior Building Surfaces. Interior building surfaces of the pet animal areas, including walls, ceilings, and floors shall be constructed so as to be water resistant and capable of being readily cleaned and maintained.
- c. Electric Power. Electric power shall be provided.
- d. Water. Potable water shall be provided for drinking purposes, with a backflow prevention device installed on any threaded faucets where hoses may be attached for the purpose of cleaning the facility or on the main water serving the facility.
- e. Washrooms and Sinks. Readily accessible washrooms or sinks shall be provided, convenient to all work areas, to ensure maintenance of personal hygiene by animal caretakers. A sink in good repair shall be provided for washing and sanitizing equipment. A dishwasher which utilizes heat or chemical sanitizing solution may suffice. Single service soap and towel dispensers must be available at all hand washing sinks.
- f. Heating and Cooling. The pet animal facility and any animal enclosure shall be sufficiently heated or cooled when necessary to protect animals from cold or heat to provide for their health. The ambient temperature shall be consistent with the requirements of specific pet animals. Heating shall be deemed necessary when the inside ambient temperature of the facility falls below 50 degrees Fahrenheit for a period of 4 consecutive hours and cooling shall be deemed necessary when the temperature of the facility rises above 90 degrees Fahrenheit. The interior ambient temperature shall be consistent with the requirements of the specific species, the age of the animal, or that to which the animal is acclimated.
- g. Ventilation. Indoor housing of pet animals shall be adequately ventilated with fresh or filtered air to minimize odors and moisture and to provide for the health and comfort of the animal at all times. Means for ventilation can be mechanical or natural, providing odors are minimal and the temperature range set forth immediately above is maintained, within the requirements consistent with the species.
- h. Lighting. Uniformly distributed natural and/or artificial lighting shall be provided to permit routine inspections and to facilitate routine cleaning. While avoiding excessive illumination to any pet animal, each pet animal shall have light available for a minimum of 8 hours per day.
- i. Sewage Disposal. Sewage and waste from indoor facilities shall be disposed of by connection of drains to a sanitary sewer or other locally approved sewage disposal system. A method shall be provided to rapidly eliminate excess water from the facility floor.

- j. Grooming areas. Grooming work areas shall be physically separated from primary animal enclosures, animal food storage areas, and isolation areas. Grooming areas must otherwise meet the requirements for grooming facilities.
- k. Isolation Area. Except as set forth immediately below, there shall be an isolation area available for pet animals that are suspected of or are under treatment for a communicable disease and are not at a veterinary medical facility where the animals will be segregated from the rest of the pet animal population. This area shall have adequate ventilation, as described in Subsection B3g above. The minimum space requirements for primary enclosures for each species set forth in Subsection C below shall be used for the minimum space requirements for the isolation area.

Unless a specific exemption is obtained from the Commissioner, in all shelters which impound, adopt, sell or harbor dogs, cats, birds or small animals the isolation area shall be a separate room with separate exhaust ventilation (nonrecirculating) effective per the time table below. This isolation room shall have floor to ceiling walls.

C. PET ANIMAL ENCLOSURE STANDARDS

1. Definition:

Primary enclosures means any structure or device used to restrict an animal or animals to a limited amount of space, such as a building, room, pen, run, or cage.

2. Structural requirements:

a. General. Primary enclosures shall be structurally sound and maintained in good repair to protect animals from injury, to contain them, and to keep predators out. Primary enclosures shall be constructed such that they can be routinely maintained to allow animals to stay dry and clean and to provide convenient access to food and water. Primary enclosures for dogs and cats shall be in separate rooms, except for the isolation room.

b. Cage/Run Floors. The floor of the primary enclosure shall be constructed to prevent injury to the animals' feet and legs.

(1) Enclosures may have wire flooring provided that the wire is of adequate gauge to prevent sagging under the weight of the animals, and the mesh is small enough to prevent their feet from passing through. There shall also be a solid resting surface or surfaces which, in aggregate, are of adequate size to hold all occupants of the primary enclosure at the same time.

(2) Floors in runs should slope to drain water out of runs and prevent puddling in the runs or walkways. The slope should be of 1/4 to 1/2 inch per linear foot.

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- c. Walls Between Runs. Solid walls between runs should be at least 4 feet high. The walls shall prevent water and waste material from flowing from run to run and prevent nose-to-nose contact of animals between runs.
- d. All the surfaces of the primary enclosure must be constructed of a material that is water resistant and can be cleaned and sanitized.
- e. Drainage. Drainage from each run must prevent cross contamination of other runs from urine and feces.
- f. Space Requirements. All primary enclosures shall allow the pet animal to turn around and exercise normal postural movements without touching the sides of the cage. The following minimum space requirements shall be met:

(1) Primary Enclosures for Dogs.

Minimum space requirements:

- (a) Each primary enclosure, in which a dog spends the majority of its day, shall have the following minimum requirements:

x-small dogs up to 10 inches high - 4.5 sq. ft.;

small dogs up to 16 inches high - 6.0 sq. ft.;

medium dogs up to 22 inches high - 9.0 sq. ft.;

large dogs up to 26 inches high - 12 sq. ft.;

extra large dogs up to 30 inches high - 16 sq. ft.;

giant breeds over 30 inches high - 18 sq. ft.

When primary enclosure sizes do not meet the above minimum requirements, then the dog shall be provided an opportunity to exercise for a period not less than 20 minutes, twice daily. For dogs that require an opportunity to exercise, the licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.

In cases where dogs are of a fractious or aggressive nature and pose a hazard to shelter employees, the shelter supervisor(s) may waive the exercise requirement.

In cases where dogs are ill or injured and exercise may pose a health hazard, the shelter supervisor(s) may waive the exercise requirements.

The height shall be 1 1/2 times the height of the dog at the shoulder with a maximum height required of 48 inches and a minimum height of 18 inches.

If more than one dog occupies these primary enclosures, space will be figured for the first dog, with each additional dog needing one-half of the minimum space required.

- (b) If crates are used to house dogs, including weaned puppies, the minimum space requirements are as follows: Dogs, regardless of weight, will have a crate that is a minimum of the length of the dog from the tip of the nose to the base of the tail, plus 3 inches, shall allow a minimum clearance in height at the shoulder of 3 inches while the dog is standing and shall permit the dog to turn around and lay down. Crates of this size are not to be used for exercise areas. Crates of these minimum dimensions shall be used to house one dog only.

An exercise area or run is required for animals housed in a crate. Dogs housed in crates shall be provided an opportunity to exercise for a period not less than 20 minutes, twice daily. The licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.

(2) Runs and Exercise Areas for Dogs.

Minimum space requirements:

- (a) Indoor/Outdoor runs that have the primary enclosure and the exercise area in combination shall for measuring purposes be considered one exercise run and shall be measured from the extreme inside to the extreme outside for length determination.
- (b) Outdoor or indoor runs used as primary enclosure and exercise area in combination shall be measured from one extreme end to the other extreme end for length. The same criteria will apply to free standing runs used for exercise areas only.
- (c) Bitches with puppies shall be provided a whelping box which is large enough for her to lie down on her side with her legs extended. The bitch shall have enough room to leave the whelping box.
- (d) In exigent circumstances, impoundment facilities may provide minimum space which allows each pet animal to turn around and exercise normal postural movements. These circumstances may not be of a routine nature and must be approved by the Commissioner.

- (e) Bitches in whelp shall be housed individually prior to whelping. No other dog(s) will be housed with a bitch with puppies.
- (f) Puppies under four months of age shall not be housed in the same primary enclosure with other dogs, unless under direct supervision.
- (g) Dogs housed for a period of time greater than five days shall be housed in enclosures with the following minimum requirements:

x-small dogs up to 10 inches high - 6.0 sq. ft.;

small dogs up to 16 inches high - 9.0 sq. ft.;

medium dogs up to 22 inches high - 12.0 sq. ft.;

large dogs up to 26 inches high - 16.0 sq. ft.;

extra large dogs up to 30 inches high - 20.0 sq. ft.;

giant breeds over 30 inches high - 24.0 sq. ft.

When primary enclosure sizes do not meet the above minimum requirements, then the dog shall be provided an opportunity to exercise for a period not less than 20 minutes, twice daily. For dogs that require an opportunity to exercise, the licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.

In cases where dogs are of a fractious or aggressive nature and pose a hazard to shelter employees, the shelter supervisor(s) may waive the exercise requirement.

In cases where dogs are ill or injured and exercise may pose a health hazard, the shelter supervisor(s) may waive the exercise requirements.

The height shall be 1½ times the height of the dog at the shoulder with a maximum height required of 48 inches and a minimum height of 18 inches.

If more than one dog occupies these primary enclosures, space will be figured for the first dog, with each additional dog needing one-half of the minimum space required.

- (h) Dogs housed for a period of time greater than fourteen days shall be housed in enclosures with the following minimum requirements:

- x-small dogs up to 10 inches high - 12.0 sq. ft.;
- small dogs up to 16 inches high - 18.0 sq. ft.;
- medium dogs up to 22 inches high - 24.0 sq. ft.;
- large dogs up to 26 inches high - 32.0 sq. ft.;
- extra large dogs up to 30 inches high - 40.0 sq. ft.;
- giant breeds over 30 inches high - 48.0 sq. ft.

When primary enclosure sizes do not meet the above minimum requirements, then the dog shall be provided an opportunity to exercise for a period not less than 20 minutes, twice daily. For dogs that require an opportunity to exercise, the licensee shall document in writing, and keep on file while the dog is in the facility, evidence of the exercise of these dogs.

In cases where dogs are of a fractious or aggressive nature and pose a hazard to shelter employees, the shelter supervisor(s) may waive the exercise requirement.

In cases where dogs are ill or injured and exercise may pose a health hazard, the shelter supervisor (s) may waive the exercise requirements.

The height shall be 1½ times the height of the dog at the shoulder with a maximum height required of 48 inches and a minimum height of 18 inches.

If more than one dog occupies these primary enclosures, space will be figured for the first dog, with each additional dog needing one-half of the minimum space required.

- (i) No more than 5 dogs over six months of age may be housed in any one common area at any one time.

(3) CATS:

<u>Weight (lbs)</u>	<u>Aggregate Area (sq. ft.)</u>
< 2 lbs	2.5
2-6 lbs	3
6-10 lbs	4
> 10 but < 20 lbs	5

- (a) Primary enclosures with mesh floors are not acceptable.
- (b) Minimum height shall be 21 inches.

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- (c) Primary enclosures in cat impound areas shall have solid walls to minimize interaction and cross contamination between unrelated cats.
- (d) Litter boxes to contain feces and body fluids must be provided in sufficient number, of adequate size, and located so as to enable each cat in the enclosure to access same.
- (e) A queen or queen with litter shall not be housed in the same primary enclosure with other cats.
- (f) Kittens under four months of age shall not be housed with adult cats except a dam or foster dam.
- (g) Primary enclosures housing cats in colonies shall provide a minimum of 10 square feet of floor space per cat over 4 months of age. In addition, a solid resting surface or surfaces must be provided. The resting surface must be high enough so the cat can fit underneath and minimally provide 1.5 square feet of additional space per cat. Kittens over 6 weeks of age and under 4 months shall be provided 7.5 square feet of floor space with an additional square foot of resting surface space that is high enough for the kitten to get underneath. No more than 25 cats may be housed in the same primary enclosure.

(4) RABBITS:

<u>Aggregate Weight (lbs)</u>	<u>Area (sq. ft.)</u>
< 2 lbs	2.5
2-4 lbs	4
5-12 lbs	6
> 10 but < 20 lbs	8

- (a) The minimum height shall be 14 inches.
- (b) Rabbits shall be housed on a 1/2 inch by 1 inch galvanized, welded steel grid.
- (c) Primary enclosures housing rabbits in colonies shall provide a minimum of 10 square feet of floor space per rabbit over 4 months of age. Rabbits over 6 weeks of age and under 4 months shall be provided 7.5 square feet of floor space. No more than 25 rabbits may be housed in the same primary enclosure.
- (d) A doe or doe with litter shall not be housed in the same primary enclosure with other rabbits.
- (e) Cedar shavings shall not be used in or around rabbit enclosures.

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- (f) No aquariums shall be used to house, store, transfer, board or keep rabbits.
 - (5) For animals other than those specified above, the primary enclosures shall be consistent with requirements set forth in the rules and regulations specific to that breed or species (e.g. bird breeder) or as directed by the Commissioner.
- g. Outdoor Facilities or Portions Thereof.
 - (1) Shelter. Shelter must be provided for all pet animals housed in outdoor primary enclosures to allow the pet animals to remain warm and dry. Such shelter shall be a water resistant structure of suitable size to accommodate the animal(s) and allow retention of body heat and such shelter shall have a water resistant door covering or offset doorways to minimize drafts and be made of durable material with a solid floor raised off the ground. If the pet animal has a choice of immediate access to an interior portion of the facility, shelter need not be provided.
 - (2) Shade. A shaded area will be provided to all pet animals housed in an outdoor primary enclosure for protection from the direct rays of the sun. The shaded area shall be proportional to the size of the pet animal and shall be positioned so that maximum shade protection is provided. If the pet animal has choice of immediate access to an interior portion of the facility, shade need not be provided as described.
 - (3) Outdoor runs may be constructed of gravel, sand, soil, or of a solid material such as concrete. Gravel, sand or soil shall be sanitized by removing the soiled material and replacing it when the material is permeated with urine and/or fecal matter that is not removable without removing the material, when the surface is muddy, or when odors are present.
 - (4) Outdoor facilities shall meet the requirements of this Section 18.00 C. Animals housed outdoors when the mean daily temperature is below 45 degrees Fahrenheit shall be so acclimated. Cats (unless acclimated) or sick, infirm, aged or very young pet animals shall not be housed outside when the mean daily temperature is below 45 degrees Fahrenheit.
- h. Tethering of pet animals is acceptable only when cleaning enclosures or when under constant direct human supervision.

Facilities that house Alaskan dog breeds or Alaskan breed crosses specifically for the purpose of pulling dog sleds may request the Commissioner in writing for a waiver of the prohibition against dog houses with chains (tethering) as a primary enclosure. Such a request for waiver shall be submitted annually with each application or reapplication for licensure. Granting such waiver is in the sole discretion of the Commissioner.

- (1) No female dogs in whelp or with puppies shall be tethered.
 - (2) If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs and any other objects. Such chains should be a minimum of 6 feet and of a type commonly used for the size dog involved and shall be attached to the dog by means of a well-fitted, nontightening collar or harness. All tethering chains shall have a swivel.
 - (3) If tethering is used, a fence perimeter shall surround the entire tethering area to protect the tethered dogs from predators, stray animals and humans.
3. If an after hours night drop is provided, it shall meet the requirements of outdoor facilities. Night drop areas may not be used as primary enclosures and animals must be removed and placed in a primary enclosure each day.

D. CARE AND FEEDING

1. General Conditions.
 - a. Cleaning of pet animal enclosures. Animal wastes shall be removed from primary enclosures daily or more frequently if necessary to prevent contamination of the pet animals and to reduce disease hazards and odors.
 - (1) Occupied dog runs shall be cleaned and sanitized daily. Animal wastes shall be removed more often if necessary to prevent contamination of the pet animal and to reduce disease hazards and odors.
 - (2) Occupied cat cages shall be cleaned and sanitized daily. Cross contamination during cleaning of cat isolation and impound areas shall be minimized by rinsing hands in a disinfectant solution between primary enclosures, minimizing direct contact between cats, minimizing handling of the cats, and taking precautions to prevent contaminating other cats.
 - (3) Equipment for isolation rooms must be used exclusively in isolation rooms.
 - (4) All other occupied pet animal enclosures shall be cleaned weekly, between animals, or more frequently if necessary.
 - b. Other Cleaning. Food and water containers and all other utensils shall be cleaned and sanitized with the use of heat, chemical solution, or a dishwasher using hot water or chemical sanitizing solutions. Pet animal food and water dishes shall be cleaned and sanitized daily or more often if necessary to maintain sanitary conditions.

- c. Waste Disposal. Animal and food wastes, used bedding, debris and any other organic wastes shall be removed from the pet animal facility daily and shall be removed from the premises weekly.
- d. Premises Housekeeping. The building and grounds shall be kept clean, in good repair and free of trash. Weeds shall be mowed or cut down in enclosures where animals are kept or exercised.
- e. Pest Control. All shelters shall be free from infestation of vermin, insects or other pests. Food contaminated by rodents must be discarded.
- f. Supply Storage. Pet food must be kept in waterproof, closed containers or at least 4 inches off the floor. Opened bags of pet food shall be stored in waterproof, closed containers.

E. CARE OF PET ANIMALS

- 1. Food and water. Pet animals shall be fed a minimum of once daily, as appropriate for the species, and provided water consistent with the nutritional needs for the age and species, except when under special veterinary care.
 - a. Animal food shall be served in containers and be of such nutritional value necessary to meet the normal daily nutritional needs for the condition and size of the animal.
 - b. Perishable food shall be refrigerated.
 - c. Animal food receptacles shall be safe, in sufficient number, of adequate size and located so as to enable each animal in the primary enclosures to be supplied with an adequate amount of food.
 - d. Animal food and water containers shall be kept clean and sanitary.
 - e. Potable water shall be available to pet animals in clean containers sufficient to prevent dehydration or heat prostration, consistent with the species, except when under special veterinary care.
 - f. Food and water containers shall be accessible to the pet animal and located to minimize contamination by excreta.
 - g. Disposable containers may be utilized if discarded after each use.
 - h. Self waterers may be used if cleaned pursuant to Subsection D.
 - i. The basic diet of birds in the facility shall be based upon the natural needs of each species. Food and potable water shall be made available to the birds at all times.

2. Classification and Separation Requirements. Pet animals housed in the same primary enclosure shall be maintained in compatible groups with similar nutritional and environmental requirements.
 - a. Pet animals exhibiting aggressive behavior shall be housed individually and in primary enclosures that prevent them from biting or injuring the public or other animals.
 - b. Pet animals under quarantine or treatment for a suspected communicable disease shall be physically separated from other susceptible animals or the public to minimize dissemination of disease as set forth in Section 1.00 of these rules and regulations.
 - c. Pet animals that have reached sexual maturity shall be kept in primary enclosures separate from the opposite sex unless they are spayed or neutered. Birds and reptiles shall be exempt from this separation.

F. VETERINARY CARE/DISEASE CONTROL

1. Veterinary Services. All pet animal shelters which do not have a veterinarian on staff shall have a written agreement with a veterinarian for services and consultation regarding animal health needs, treatments and disease processes. A copy of such an agreement with nonstaff veterinarian (s) shall be kept on the premises. This agreement shall be updated each licensing period.
 - a. Pet animals shall be observed daily for signs of injury or disease by the person in charge of the facility or by an employee working under his/her direct supervision. An animal suspected of having an infectious disease shall be placed in an isolation area until the condition is determined to be noninfectious.
 - b. Sick or injured animals must be provided with timely veterinary care, as appropriate for the illness or injury, or euthanatized humanely under the supervision of the facility's attending veterinarian, as set forth in PACFA § 35-80-102(7).
 - c. As to animals that die at the pet animal facility, the licensee may wish to refer to § 25-1-612, C.R.S., as amended, and any local ordinance or rules and regulations concerning proper disposal.
 - d. Veterinary treatment records. Treatment records shall be kept on all pet animals (except fish and invertebrates) that receive any medications and/or immunizations used in the treatment or prevention of illness, or the treatment of injury, while in the care of the pet animal shelter. These records shall include the identification of the pet animal receiving medical treatment, the name of the medication and/or immunization used, the amount of medication used, and the time and date on which the medication and/or immunization was administered. These records shall be kept at the pet animal shelter facility for a period of 60 days after the transfer of the pet animal.

- e. Written disclosure of all treatments involving immunizations, medications, anthelmintics (dewormers) and all other treatments for parasites, administered 30 days prior to transfer, shall be provided to the adopter of dogs, cats and birds at the time of the adoption or transfer. A record detailing the product used, the dosage and the date administered shall be provided to the purchaser at the time of adoption or transfer.

2. Disease Control Requirements

- a. Reporting of Zoonotic Diseases. Reporting requirements exist under § 25-1-662, C.R.S., as amended, as well as possibly other statutes, rules and regulations.
- b. Cleanliness. Pet animals shall be protected from exposure to water and chemical solution when primary enclosures, cages, runs, or areas are being cleaned. All primary pet animal enclosures, cages, runs, isolation rooms or areas, etc., which contain pet animal(s) (except fish and amphibians) suspected or being treated for an infectious or transmissible disease shall be cleaned and sanitized each day. Fish and amphibian enclosures shall be cleaned and treated as appropriate for the species.
- c. Quarantine. Quarantine requirements exist under §§ 25-5-604 and 605, 25-4-709, and 35-50-110, C.R.S., as amended, and possibly other statutes, rules and regulations.

G. SALE OR TRANSFER

- 1. Reasonable care shall be taken to release for sale, trade or adoption only those pet animals that are free of undisclosed disease, injury or abnormality.
- 2. It is unlawful to sell, transfer or adopt dogs or cats under the age of 8 weeks, or guinea pigs, hamsters or rabbits under the age of 4 weeks.
- 3. It shall be unlawful to sell, transfer or adopt cats less than two pounds of body weight, unless a written waiver is provided by the shelter's veterinarian stating that the cat is of sufficient physical development and general health to be safely transferred. The facility shall have a scale available adequate to ensure compliance with this requirement.

H. MOBILE ADOPTIONS

A pet animal facility operating a mobile adoption site must be either licensed as a shelter, rescue, or as a pet animal dealership.

I. SPECIAL REQUIREMENTS FOR PSITTACINE BIRDS

- 1. Possession Restrictions.
 - a. Authorized Bands. In accordance with PACFA, § 35-108-108(1) (i), no person shall import or have in his possession for the purpose of selling, trading, giving or otherwise transferring any psittacine bird that has not been legally banded with a

type of leg band authorized by the Commissioner applied during the prefeathered stage of development, and appropriate to the size and species of the bird. The Commissioner authorizes the following bands: a traceable seamless or seamed Colorado leg band, a United States Department of Agriculture Quarantine Station leg band, or a band approved by any state. Seamed or split leg bands may only be applied when ordered through the Commissioner.

- b. Leg Band Assignment. No licensed pet animal shelter shall use another licensee's registered leg band nor shall a licensee sell or transfer their registered leg band to another person.
- c. Application for Band. Application for a traceable seamed leg band must be made to the Commissioner. Necessary documentation to be provided includes all purchase, transfer, or breeding records, health certificates, or quarantine information.
- d. Leg Band Removal. A leg band that is causing injury to a bird may be removed provided the Department is notified. Upon sale, trade, or other means of transfer the bird must be accompanied with a traceable leg band approved by the Commissioner.
- e. From time to time, the Commissioner may require other species of birds to be banded, in the Commissioner's discretion. In such event, the Commissioner shall provide written notification to any licensee affected by mailing to the last address provided by the licensee to the Commissioner.

J. TRANSPORTATION WITHIN A VEHICLE

- 1. Enclosures.
 - a. Animals transported by a vehicle must be confined within the vehicle.
 - b. Temporary enclosures, such as compartments, transport cages, or animal crates, used to transport animals shall be secured, water resistant, well constructed of cleanable material, and designed to protect the health and ensure the safety of the animals. Such enclosures shall have ventilation to ensure the comfort and health of the animals at all times.
 - c. Such enclosures shall be constructed or positioned in the vehicle such that:
 - (1) Each animal has access to sufficient air for normal breathing.
 - (2) The openings of such enclosures are accessible at all times for emergency removal of the animals.
 - (3) The animals are afforded protection from the elements.

- (4) The animal areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of the animals being transported.
 - d. Animals shall not be placed in enclosures over other animals in transit unless such enclosure is fitted with a floor of material which prevents animal excreta from entering lower enclosures.
 - e. Enclosures shall be large enough so that each animal has space to turn around, stand and lie down.
 - (1) Animals which are not conditioned to each other may not be transported in the same primary enclosure. Multiple species may not be transported in the same primary enclosure.
 - (2) A nursing mother with her young may be transported in the same primary enclosure.
 - f. Enclosures shall be cleaned and sanitized daily, or more often if necessary.
 - g. Pet animals being transported must be offered water sufficient to prevent dehydration.
 - h. Pet animals shall be removed from the vehicle a minimum of every 8 hours and allowed to urinate, defecate, and obtain food and exercise. The licensee shall document in writing and keep on file while the dog is in the care of the facility owner, evidence of the exercise of these dogs.
2. Vehicles.
- a. Vehicles used primarily in the transportation of pet animals shall be equipped to provide fresh air to all animals being transported without injurious drafts.
 - b. The animal cargo space shall be so constructed and maintained as to minimize the ingress of exhaust from the vehicle's engine.

K. EUTHANASIA

Euthanasia shall be consistent with § 35-80-102(7) of PACFA.

L. SURGERY AREAS

1. Definitions:

- a. "surgery" - the act of incising living tissue; an operative procedure; and/or a room or facility where an operative procedure is done.
- b. "aseptic surgery" - surgery performed in ways or by means sufficiently free from microorganisms so that significant infection or suppuration do not occur.

- c. "major surgery" - any surgical intervention that penetrates and exposes the body cavity; any procedure that has the potential for producing permanent physical or physiological impairment; and/or any procedure associated with extensive transection or dissection of tissue.
 2. If a major surgery is conducted, the following shall be required:
 - a. There shall be a separate room for aseptic surgical procedures only. The room must be a closed, single-purpose room for the performance of only aseptic surgical procedures.
 - b. The room must be constructed and equipped such that cleanliness may be maintained.
 - c. The floor, walls and ceilings must be washable and water resistant.
 - d. Doors must be well-fitted and kept closed. Traffic shall be kept to a minimum.

M. FOSTER HOME INSPECTIONS

1. The licensee shall inspect each of its foster homes at least once a year, with a record of those inspections kept at the address specified in the license application. The inspection form shall include the date and signature of the foster care provider and the signature of the person inspecting the foster care facility.
2. The Commissioner may, upon request or administrative search warrant, have access to any part of a foster home in which fostered pet animals are kept.

N. RECORD REQUIREMENTS

1. Records shall be kept for each pet animal impounded, accepted as an owner surrender or otherwise acquired. These records shall include the date acquired, description and identifying characteristics (if available), including species, breed, color, age, and sex, any background information, reason for impoundment, relinquishment, veterinary care, disposition of the animal, with the date of redemption, adoption, transfer of ownership, or euthanization, and the name, address, and phone number of the receiving person or entity. Each animal shall be identifiable through cage/run cards, identifying collars, leg bands or any other acceptable method of identification (if appropriate for the species).
2. Foster Homes. If foster homes are used, records including the foster agent, address of the foster home and specific information (listed in #1 above) on animals fostered shall be kept for each foster home.
3. Euthanasia Records. Records of each animal euthanatized shall be kept, including reference to animal euthanatized, method, and dosage as appropriate.
4. Record Accessibility. All required records shall be made available to any inspector authorized by the Department at any reasonable time during regular business hours, or at other mutually agreeable times.

5. Psittacosis Warning. Shelters selling or adopting psittacine birds shall furnish the buyer or adopter of each psittacine bird, a special Psittacine Bird Sales Record prescribed by the Department, giving the business name of the facility, the name, address and phone number of the person buying or adopting the bird, and number, species and leg band identification number for each bird. Printed on this sales record shall be a warning to the buyer/adopter of a possible psittacosis hazard. This warning shall include a description of the disease signs in birds, symptoms in humans and the critical need for prompt medical diagnosis and treatment.
6. Veterinary Services. The staff veterinarian's license or copy of all written agreements with a licensed veterinarian(s) shall be available.
7. The animal shelter licensee shall report to the Commissioner on a yearly basis the number of dogs, cats and other pet animals that are accepted into the animal shelter or foster home(s). The animal shelter licensee shall also report to the Commissioner on a yearly basis the number of dogs, cats or other pet animals that are returned to the owner, adopted to new owners, transferred to other licensed facilities, euthanized or died while at the facility. The reports shall be submitted on forms supplied by the Commissioner.

19.00 SMALL ANIMAL BREEDER FACILITY REGULATIONS AND FERRET BREEDER FACILITY REGULATIONS

A. FACILITY STANDARDS

1. License Requirements:
 - a. No person shall operate a small animal breeder facility or ferret breeder facility unless the person holds a valid license issued by the Commissioner pursuant to PACFA and Sections 2.00 and 3.00. The twelve month license period shall commence the first working day of March and must be renewed on or before the first working day of March the following calendar year.
 - b. There shall be three subclassifications for small animal breeder licenses:
 - (1) Rat, mouse, gerbil and hamster breeders: Persons who transfer more than 200 of these pet animals per year shall be licensed under PACFA and these rules.
 - (2) Rabbit and guinea pig breeders: Persons who transfer more than 65 of these pet animals per year shall be licensed under PACFA and these rules.
 - (3) Hedgehog, chinchilla, ferret, and sugarglider breeders: Persons who transfer more than 24 of these pet animals per year shall be licensed under PACFA and these rules.
2. Structural Plan Evaluation:

- a. Plan Submission. Detailed plans and specifications shall be submitted to the Department whenever it is proposed to erect or extensively remodel any pet animal facility, specifically any remodeling that requires a building permit and affects a minimum of 25% of the square footage of the existing facility. Plans pertaining to upgrades which are only electrical or plumbing in nature will not require a plan of submission. Each pet animal breeder shall be responsible for submitting all plans and specifications. Plans shall be approved or disapproved by the Department, typically within 10 working days of submission. Approval of plans and specifications is necessary before construction can begin, and final approval of the constructed facility is necessary before operation can start.
 - b. Contents of Plans and Specifications. Final plans and specifications shall show compliance with these regulations and shall include schedules describing the ventilation system, plumbing equipment and finishes of floors, walls, and ceilings, and location of cages, runs or pens, where appropriate. Small animal facilities shall include a layout of cages, runs or pens; proximity of perimeter protective fence and height of perimeter fence; if applicable, location of potable water supply, area lighting; drawings and detailed description of shelter from the elements, food storage and preparation area. Plans need not be professionally drawn, providing the plans are legible, drawn or sketched to consistent scale, with dimensions indicated, accurately depicting the intended construction or remodeling.
 - c. Remodeling. Plans for extensive remodeling on an existing facility shall show an outline of the facility and only the portions being remodeled need to be detailed and approved.
3. General Standards:
- a. Interior Surfaces. The interior facility surfaces shall be constructed and maintained so that they are water resistant and can be cleaned and sanitized. Floors directly beneath all animal enclosure areas must be of material which is water resistant and can be cleaned and sanitized.
 - b. Electrical Power. Electric power shall be provided.
 - c. Water. Potable water shall be provided for drinking purposes, with back flow prevention devices installed on any threaded faucets where hoses may be attached for cleaning the facility or on the main water line serving the facility.
 - d. Washrooms and Sinks. Accessible washrooms or sinks shall be provided to maintain personal hygiene among animal caretakers. A sink in good repair or a dishwasher shall be provided for washing and sanitizing.
 - e. Waste Water Disposal. Waste water from indoor facilities shall be disposed of by connection with a sanitary sewer or any state, county, or locally approved water disposal system. A method shall be provided to rapidly eliminate excess water.

- f. Isolation Area. Except as set forth immediately below, there shall be an isolation area available for those pet animals that are suspected of or under treatment for a communicable disease and are not at a veterinary medical facility where the animals will be segregated from the rest of the pet animal population. This area shall have adequate ventilation. The minimum space requirement for primary enclosures for each species set forth in Subsection B shall be used for the minimum space requirements for the isolation area.

Unless a specific exemption is obtained from the Commissioner, for all small pet animal breeders or ferret breeders that sell, trade, barter, or transfer small animals or ferrets, the isolation area shall be a separate room with separate exhaust ventilation (nonrecirculating). This isolation room shall have floor to ceiling walls and the area shall meet the minimum space requirements for primary enclosures set forth in Subsection B.

B. ANIMAL ENCLOSURE STANDARDS

1. Primary Enclosure Defined. Primary enclosures are those animal enclosures in which the animal rests or sleeps.
2. Primary enclosures shall be structurally sound and maintained in good repair. They shall be constructed and maintained to enable the animals to remain dry and clean. All materials used for construction of primary enclosures must be of a non-toxic nature.
3. The floors of the primary enclosure shall be constructed to prevent injury to the animal.
4. Cleaning Requirements. All the surfaces of the primary enclosure must be constructed of a material that is water resistant and can be cleaned and sanitized.
5. Space Requirements. All primary enclosures shall allow each pet animal to turn around and exercise normal postural movements. The following space requirements shall be met:

a. RABBITS

For individual rabbits 12 weeks of age or more:

<u>Size animal</u>	<u>Weight</u>	<u>Area per animal</u>
Small	< 3 lbs.	3 sq. ft.
Medium	3 to 5 lbs.	4 sq. ft.
Intermediate	5 to 12 lbs.	6 sq. ft.
Large	> 12 lbs.	8 sq. ft.

For does with litters:

<u>Size of doe and litter</u>	<u>Weight</u>	<u>Area per doe</u>
Small	< 3 lbs.	4 sq. ft.
Medium	3 to 5 lbs.	5 sq. ft.
Intermediate	5 to 12 lbs.	6 sq. ft.
Large	> 12 lbs.	8 sq. ft.

This copy of the text of the "Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act" is provided as a convenience to the public by the Colorado Department of Agriculture and does not constitute an official publication of these Rules. The official version of these Rules is published by the Office of the Secretary of State in the Colorado Code of Regulations at 8 CCR 1201-11 and may be obtained from the following website: <http://www.sos.state.co.us/CCR/Welcome.do>.

- (1) The minimum height of the primary enclosure shall be 15 inches.
- (2) The floor of the rabbit's primary enclosure shall be 1/2 inch by 1 inch galvanized, welded steel grid. If a rabbit develops pododermatitis (foot problems) a partial solid floor resting surface shall be provided.
- (3) No aquariums shall be used to house, store, transfer, board or keep rabbits.
- (4) Cedar shavings shall not be used in or around primary enclosures.

b. **GUINEA PIGS**

<u>Size</u>	<u>Weight in gms.</u>	<u>Area per animal</u>
Small	≤350	80 sq. in.
Medium	351-700	100 sq. in.
Large	≥701	132 sq. in.

- (1) Minimum height of primary enclosures shall be 12 inches.
- (2) Guinea pigs shall only be housed in enclosures with a solid floor.
- (3) Cedar shavings shall not be used in or around animal enclosures.
- (4) Guinea pigs shall be provided with Vitamin C in supplement to their feed.
- (5) Above sizes are accepted for sow with 1 litter until weaned.

c. **CHINCHILLAS, HEDGEHOGS AND SUGARGLIDERS**

Adult chinchillas shall be housed in a minimum enclosure of 360 square inches of floor space per animal. Adult hedgehogs and sugargliders shall be housed in a minimum enclosure of 216 square inches of floor space per animal.

- (1) Minimum height of primary enclosures shall be 16 inches.
- (2) For chinchillas, there must be sufficient space within the primary enclosure for a sleeping house and a dust bath container.
- (3) Cedar shavings shall not be used in or around animal enclosures.
- (4) Above size is accepted for a female animal with 1 litter until weaned.

d. **MICE**

<u>Size</u>	<u>Weight in gms.</u>	<u>Area per animal</u>
Small	≤15	5 sq. in.
Medium	16-25	7 sq. in.
Large	≥25	15 sq. in.

- (1) Minimum height of the primary enclosures shall be 3 ½ inches.
- (2) Mice shall only be housed in enclosures with a solid floor.
- (3) Cedar shavings shall not be used in or around animal enclosures.
- (4) Above sizes are accepted for female mouse with 1 litter until weaned.

e. RATS

<u>Size</u>	<u>Weight in gms.</u>	<u>Area per animal</u>
Small	≤100	15 sq. in.
Medium	101-300	18 sq. in.
Large	≥301	35 sq. in.

- (1) Minimum height of the primary enclosure shall be 7 inches, however, food and water must be within the reach of each animal.
- (2) Rats shall only be housed in enclosures with a solid floor.
- (3) Cedar shavings shall not be used in or around animal enclosures.
- (4) Above sizes are accepted for female rat with 1 litter until weaned.
- (5) Minimum space requirements for rats over 500 grams will be determined by the Commissioner on an individual basis.

f. HAMSTERS AND GERBILS

<u>Size</u>	<u>Weight in gms.</u>	<u>Area per animal</u>
Small	≤60	10 sq. in.
Medium	61 TO 100	17 sq. in.
Large	≥101	20 sq. in.

- (1) Minimum height of primary enclosures for dwarf species shall be 5 ½ inches. For all other animals, the height of the primary enclosure shall be 12 inches high for hamsters and 6 inches high for gerbils.
- (2) Hamsters and gerbils shall only be housed in enclosures with a solid floor.
- (3) Cedar shavings shall not be used in or around animal enclosures.
- (4) Above sizes are accepted for female hamster or gerbil with 1 litter until weaned.

g. FERRETS

Ferrets shall be housed in an enclosure of 540 square inches minimum floor space.

- (1) A floor cover shall be provided on floors of cages constructed with floor wire.
 - (2) The minimum height of the enclosure shall be 16 inches.
 - (3) Cedar shavings shall not be used in or around animal enclosures.
 - (4) No aquariums shall be used to store, board, keep, or transfer ferrets.
 - (5) The size specified above is acceptable for housing a jill and kits.
- h. Minimum space requirements for exotic animals which are not defined in these regulations will be determined by the Commissioner on an individual basis.

6. Indoor Facilities or Portions Thereof.

- a. Heating and Cooling. Housing of pet animals shall be heated or cooled when the atmospheric temperature falls below 50 degrees Fahrenheit or rises above 85 degrees Fahrenheit. The ambient temperature shall be consistent with the requirement of the specific species/breed, the age of the animal, or that to which the animal is acclimated. Ambient temperatures below 50 degrees Fahrenheit may be acceptable for animals so acclimated. Indoor rabbit facilities need not be heated.
- b. Ventilation. Housing for pet animals shall be ventilated with fresh or filtered air to minimize odors and moisture and to provide for the health and comfort of the animals at all times. Means shall be provided to exhaust the air from the animal area to the outside of the building.
- c. Lighting. Housing for pet animals shall have well distributed natural or artificial light for routine inspections and to facilitate routine cleaning and the proper care and maintenance of pet animals.
- d. Only the portions of the building or home designated as a small animal breeding facility or ferret breeder facility need meet the requirements set forth in this paragraph.

7. Outdoor Facilities or Portions Thereof.

Note: Hamsters and guinea pigs shall not be kept in outdoor facilities.

- a. Shelter from Sunlight. Outdoor primary enclosures shall be situated so that protection of the animal from the direct rays of the sun is provided at all times.
- b. Shelter from the Elements. Outdoor primary enclosures shall demonstrate the protection for the animals housed within from invasion by wind, rain or snow.
- c. Shelter from Extreme Temperatures. Animals housed outdoors shall be provided with a nesting box or area and dry, unsoiled bedding material when the ambient

outdoor temperature is 35 degrees Fahrenheit or colder. When the ambient outdoor temperature exceeds 85 degrees Fahrenheit, measures shall be taken to cool the animals in order to prevent heat prostration.

- d. A perimeter fence shall surround the entire outdoor small animal breeding facility to protect the animals from predators, stray animals, and humans.
- e. Outdoor Isolation Area. A separate area, away from other animal enclosures and runs, shall be provided for those pet animals that are suspected of or under treatment for a communicable disease and are not at a veterinary medical facility where the animals will be segregated from the rest of the pet animal population.

C. CARE AND HANDLING OF PET ANIMALS

1. Food and Water:

- a. Pet animals shall be fed consistent with the requirements for the age of the animal, at least once a day, except under special veterinary care. The food shall be of such nutritional value necessary to meet the normal daily requirements for the condition and size of the animal. Perishable food shall be refrigerated.
- b. Except when under special veterinary care, if potable water is not continually available to pet animals it must be offered as often as necessary to prevent dehydration.
- c. Open food and water containers shall be accessible to the pet animal and located to minimize contamination by excreta. Disposable containers may be used if discarded after each use. Self feeders and waterers may be used if cleaned regularly.
- d. Other Cleaning. Water and food containers and all other utensils shall be cleaned and sanitized with the use of heat, chemical solution, or a dishwasher using hot water or chemical sanitizing solutions. These containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions.

2. Classification and Separation:

- a. Housing. Animals housed together in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions.
- b. Any animal exhibiting an aggressive behavior shall be housed individually in a primary enclosure, run, or exercise area.
- c. Pet animals under quarantine or treatment for a suspected communicable disease shall be physically separated from other susceptible animals to minimize the dissemination of disease.
- d. Each pet animal shall be observed by the animal caretaker in charge, or by someone under the caretaker's direct supervision, on a daily basis. Sick,

diseased or injured animals shall be provided with timely veterinary care or disposed of in a humane manner, pursuant to § 35-80-102 (7).

D. TRANSPORTING SMALL ANIMALS AND FERRETS

1. Primary Enclosures - Enclosures to Transport Small Animals and Ferrets.
 - a. Temporary enclosures, such as compartments or transport cages or crates used to transport animals shall be secured, water resistant, well constructed of cleanable material, and designed to protect the health and ensure the safety of the animals. Such enclosures shall have ventilation to ensure the comfort and health of the animals at all times.
 - b. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:
 - (1) Each animal in the vehicle has access to sufficient air for normal breathing.
 - (2) The openings of such enclosures are accessible at all times for emergency removal of the animals.
 - (3) The animals are afforded protection from the elements.
 - (4) The animal areas of the vehicle shall be heated or cooled when necessary to prevent hypothermia or hyperthermia of the animals being transported.
 - c. Enclosures used to transport animals shall be large enough to ensure that each animal contained therein has sufficient space to turn, stand, and lie down. Animals which are not conditioned to each other may not be transported in the same primary enclosure.
 - d. Animals shall not be placed in enclosures over other animals in transit unless such enclosure is fitted with a floor or tray of material which prevents animal excreta from entering lower enclosures.
 - e. Enclosures used to transport animals shall be cleaned and sanitized between trips, or more often if necessary.
2. Food and Water. Food and water shall be consistent with the requirements of Subsection C above.
3. Classification and Separation. The same requirements of Subsection C above apply.
4. Vehicles.
 - a. Vehicles used primarily in transporting pet animals shall be equipped to provide fresh air to all animals being transported without injurious drafts.

- b. The animal cargo space shall be so constructed and maintained as to minimize the ingress of exhaust from the vehicle's engine.
- 5. Animals transported by a vehicle must be confined within the vehicle. Unconfined transportation in the open bed of a pick up truck or other open vehicle is not allowed.

E. SANITATION

1. General Standards.

a. Cleaning of Pet Animal Enclosures

- (1) Primary Enclosures. Pet animals shall be removed from primary enclosures when water or chemical solution is used for cleaning. All primary enclosures shall be cleaned and sanitized as often as necessary to reduce disease hazards and odors and to maintain sanitary conditions by washing all surfaces with a detergent solution, followed by a safe and effective sanitizer or by application of heat torch.
- (2) Hard Surfaced Runs and Pens. Cleaning shall be by washing all soiled surfaces with a detergent, followed by a safe and effective sanitizer.
- (3) Runs, Pens, and Exercise Areas. Gravel, sand, or soil shall be sanitized by removing the soiled gravel, sand, or soil and replacing it when the material is permeated with urine and/or fecal matter that is not removable without removing the material, or when odors are present.

b. Housekeeping. Premises (building and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices. Premises shall remain free of accumulations of trash.

c. Waste Disposal. Animal and food wastes, bedding, dead animals, debris and other organic wastes shall be disposed of so that vermin infestation, odors, disease hazards, and nuisances are minimized. Such wastes shall be removed at least weekly from the facility. Dead animals shall be removed daily, and the licensee may wish to refer to § 25-1-612, C.R.S., as amended, and any local ordinance or rules and regulations concerning proper disposal.

d. Pest Control. Insects, parasites, and avian and mammalian pests shall be controlled.

e. Storage. Open containers of food and bedding shall be stored off the floor or in water resistant closed containers and protected against infestation or contamination by vermin. Unopened feed and bedding supplies shall be stored off the floor in a fashion to prevent moisture infiltration and infestation by vermin.

2. Nursery

- a. A nursery area shall be kept clean and sanitized to minimize spread by infectious agents.
- b. Before entering a rabbit facility, the inspector must wear unused, clean, protective clothing and footwear, which shall be provided by the licensee.

F. RECORDS

1. Requirements:

- a. Sales Records. Records of all sales or disposition of pet animals shall be kept by the breeder facility for two years from the date of the transaction, with the records kept at the address specified in the license application. Sales records shall include the date of transaction, breed/species, specific identifying characteristics (if available), gender and date of birth or age of the animal (when possible), and the name and address of the purchaser.
- b. Purchase Records. Records of purchases shall also be maintained for at least two years, with the records kept at the address specified in the license application. Purchase records shall include the date of the transaction, the name and address of the seller, and the number, breed/species, specific identifying characteristics (if available), gender and date of birth (when possible) of the animals received.
- c. Availability. The above records shall be available to any inspector authorized by the Department at all reasonable times during business hours, or at other mutually agreeable times.
- d. Yearly Reports. The licensee shall report to the Commissioner on a yearly basis the number of transfers to accurately determine licensing status. These figures shall be reported as set forth in Section 5.00 of these rules and regulations.

2. Veterinary Requirements.

Veterinary Services. All small animal breeding facilities and ferret breeding facilities shall have a working relationship with a veterinarian to provide timely treatment for injured or diseased animals. The name and phone number of the veterinarian will be available to the inspector upon request.

G. SALE OR TRANSFER

- 1. Reasonable care shall be taken to release for sale, trade or adoption only those pet animals that are free of undisclosed disease, injury or abnormality.
- 2. It is unlawful to sell, transfer or adopt guinea pigs, hamsters or rabbits under the age of 4 weeks.

20.00 - 24.00 RESERVED

25.00 STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

A. JANUARY 21, 1995 - EFFECTIVE MARCH 2, 1995

Statement of Basis and Purpose

These rules and regulations are adopted pursuant to § 35-80-109, C.R.S. (1994 Supp.).

The purpose of these rules and regulations is to define the administration and enforcement of the Pet Animal Care Facilities Act, §§ 35-80-101 through 117, C.R.S. (1994 Supp.) ("PACFA"), including minimum standards for physical facilities, sanitation, ventilation, heating, cooling, humidity, special and enclosure requirements; nutrition, humane care, medical treatment; methods of operation; maintenance of records concerning health care, euthanasia, and transactions involving pet animals; the qualifications for licensure, the issuance of licenses and grounds for disciplinary actions; and the license fees. By these rules and regulations the following classifications of licensure are established, along with specific facilities' regulations pertaining to each classification: retail and wholesale pet animal dealership, dog breeder facility, bird breeder facility, cat breeder facility, pet grooming facility, pet animal boarding facility, animal rescue facility, animal shelter, pet animal training facility, small animal facility and ferret breeder facility.

Factual issues encountered when developing these rules include:

These rules and regulations were developed with the assistance of the 16 member Pet Animal Advisory Committee pursuant to § 35-80-115, using the best information available at the time. The Committee shall continue to provide ongoing review of PACFA and these rules and regulations. The Committee will meet as necessary for this purpose. Any concerns with PACFA or these rules and regulations and any suggestions for modifications may be addressed to the members of the Committee and/or the Department.

The following resources were utilized in drafting the rules and regulations for dog breeders: The Atlas of Dog Breeds by Wilcox and Walkoicz; The AKC Complete Dog Book, 17th Ed. compiled by American Kennel Club; Basic Guide to Canine Nutrition by Gaines; and interviews and meetings with hobby dog breeders, small dog breeders, commercial dog breeders, dog exhibitors and trainers.

The following resources were utilized in drafting the rules and regulations pertaining to birds: The Atlas of Parrots by Dr. David Alderton; The Complete Bird Owner's Handbook by Gary Galerstein, D.V.M.; Clinical Avian Medicine and Surgery by Harrison & Harrison; and Simon and Schuster's Guide to Pet Birds by Matthew M. Vriends.

The popularity of reptiles and amphibians as pet animals has steadily increased over the past few years, with several hundred different species now available from pet animal dealerships. In many cases, the normal environmental and habitat conditions under which a particular species lives are not well known, making it difficult to provide the required terrarium conditions. Considerable effort, understanding and creativity are required by those pet animal dealerships and individual pet owners to keep these animals. In addition to the broad outline of facility and animal husbandry requirements that follow, there is a wealth of much more detailed published information readily available on each species from such recognized sources as the Herpetocultural Library Series by Phillipe de Vosjoli, TFH Publications RE Series, TFH Illustrated Atlas of Reptiles and Amphibians, etc. Some of the more important topics covered by these

and other publications include breeding, disease and disorders, hibernation, and handling and socialization of reptiles and amphibians.

B. FEBRUARY 17, 1998 - EFFECTIVE MARCH 30, 1998

This Statement of Basis, Specific Statutory Authority and Purpose is no longer in the Departments files and is presumably in state archives.

C. NOVEMBER 10, 1999 - EFFECTIVE DECEMBER 30, 1999

These rules and regulations are adopted pursuant to § 35-80-109, C.R.S. (1999 Supp.).

The purposes of the amendments to the rules are to: add annual reporting requirements to the shelter and rescue provisions which are consistent with the requirements for other facilities; eliminate from the dog breeder, boarding and/or training, and shelter provisions, through a phase-out process, dog houses with chains (tethering) as a primary enclosure; change the banding requirements in the bird breeder provisions to comport with the statutory changes effective in 1998; add requirements for transporting pet animals to the pet groomer provisions to be consistent with the requirements for other facilities, clarify the requirements for commingling of animals and clarify the types of products which may be used to bathe pet animals; correct typographical errors and clarify certain terms in the pet animal boarding provisions and combine the rules pertaining to pet animal boarding and pet animal training into one section for ease in regulatory interpretation and application; define licensure requirements for small animal breeders and establish primary enclosure requirements of hedgehogs and sugargliders.

Factual Issues Encountered

The following factual issue was encountered in developing these amendments to the rules: the Department's experience in regulating pet animal boarding facilities and pet animal training facilities has shown that the two types of facilities are uniquely similar, thus, for ease in interpretation and application of regulatory standards, the two types of facilities should be grouped together under one set of regulatory standards. That section shall now be called "Pet Animal Boarding and/or Training Facilities."

D. SEPTEMBER 14, 2000 - EFFECTIVE OCTOBER 30, 2000

These amendments to the rules are adopted pursuant to § 35-80-109 (2), C.R.S. (1999) of the Pet Animal Care and Facilities Act.

The purposes of the amendments to the rules are to: establish a new subclass within the pet animal dealer provisions for aquarium only pet animal dealerships; change the requirement for solid resting surfaces within enclosures in the pet animal dealer provisions; add the requirement for the education of purchasers of reptiles as to the potential hazards of salmonellosis within pet animal dealer provisions; add the requirement of medical treatment records of pet animals within the pet animal dealer provisions; change the banding requirements in the bird breeder and shelter provisions to comport with previous statutory changes effective in 1998; add the requirement of split or open bird leg bands being applied only when ordered through the Commissioner within the bird breeder and shelter provisions; eliminate the requirement in the bird breeder and shelter provisions of a certificate of identity issued for bird leg band removal; add the requirement of timely veterinary care to the dog, cat, and small animal breeder provisions; add the requirement of constant human supervision concerning the use of grooming loops, tethers, or muzzles to the pet groomer provisions; add the requirement of a working veterinary

relationship to the pet groomer provisions which is consistent with the shelter provisions; establish a new subclass within the boarding/training provisions for pet handlers; add to the boarding/training provisions requirements concerning the commingling of dogs from different owners; add to the reference concerning the limits on transfers of hobby breeders (C.R.S. 35-80-102) to include the reference to PACFA rules, to comport with a statutory change in 1999; change the licensure threshold for animal shelters within shelter provisions; correct a typographic error in the small animal breeder provisions.

E. FEBRUARY 14, 2001 - EFFECTIVE MARCH 30, 2001

These amendments to the rules are adopted pursuant to § 35-80-109(2), C.R.S. (2000) of the Pet Animal Care and Facilities Act.

The purpose of the amendments to the rules are to: correct the lettering and numbering of sections and subsections; to correct typographical and grammatical errors; to add in Section 2.00 an exemption of licensure to allow the rules to comport with the statute; to remove the rule allowing persons exempt from licensing requirements to voluntarily license; to delete and then reestablish a new subclass within the boarding/training provisions for pet handlers.

F. MARCH 3, 2004 - EFFECTIVE MAY 2, 2004

STATUTORY AUTHORITY:

These amendments to the rules are adopted pursuant to the specific statutory authority contained in § 35-80-109(2) C.R.S. (2003) of the Pet Animal Care and Facilities Act.

PURPOSE:

The purposes of the amendments to the rules are: to correct any typographical errors; to remove the statements of basis and purpose from the beginning of the rules and place them in a separate section 25.00; to remove historical language; to change the requirement of a separate business name fee to comport with the statute; to have similar nutritional and environmental requirements for multiple species housed in the same enclosure in retail/wholesale and animal shelter; to remove iguanas from the disposition records in retail/wholesale; to include the date of birth of dogs and cats on purchase records in retail/wholesale; to remove the 1/8 inch high lettering requirement of the Psittacine Sales Agreement in retail/wholesale, bird breeder and animal shelter; to include the name of medications and immunizations for vet treatment records in retail/wholesale; to require written disclosure of treatments to the purchaser in retail/wholesale, dog breeder and cat breeder; to separate out the sale or transfer section of retail/wholesale, dog breeder, cat breeder, animal rescue, animal shelter and small animal breeder; to add the unlawful act of transferring turtles with a carapace length of less than four inches to retail/wholesale; to add the transfer age restrictions from the statute to retail/wholesale, dog breeder, cat breeder, animal rescue, animal shelter and small animal breeder; to add the two pound transfer restrictions on kittens to retail/wholesale, cat breeder, animal rescue and animal shelter; to add facility protection requirements to dog breeder; to reword the tethering restriction in dog breeder, boarding/training and animal shelter; to add a 5 dog restriction in any pen to dog breeder; to add veterinary treatment records to dog breeder and cat breeder; to add the date of birth of kittens to records in cat breeder; to not allow carpeted tops on grooming tables in grooming; to include grooming loops in the tethering requirements in grooming; to add commingling restrictions in grooming; to require towels to be adequately laundered in grooming; to add escape to the incident file and notification to the Commissioner of escape or death in grooming and boarding/training; to add escape-proof building or

fence to boarding/training; to add space requirements for multiple cats in boarding/training; to prohibit the use of tranquilizers and to require facility to administer prescription medication when agreed upon in boarding/training; to add special requirements for psittacine birds and the Psittacine Sales Agreement to animal rescue; to remove the language for figuring space for primary enclosures without access to an exercise area and adding language for minimum space requirements and exercise requirements for dogs housed up to five days, between five and fourteen days, and over fourteen days to animal shelter; to change the weight limit of cat primary enclosures in animal shelter; to change the minimum height in mouse enclosures to 3 ½ inches and in rat enclosures to 7 inches in small animal breeder.

BASIS:

Under the Pet Animal Care and Facilities Act, the Department of Agriculture is required to monitor the pet animal industry by setting rules and guidelines for pet facilities and to enforce those rules. The rules are amended from time to time to reflect changes in the industry and to make the rules more comprehensible.

The general intent of these rule amendments is to clarify existing rules, to address inconsistencies that arose from past amendments, to revise or delete rules that are no longer enforceable, to make compliance and enforcement easier, to add requirements based on Department of Agriculture experience, and to respond to recommendations from industry groups and others involved in the pet industry.

The specific intent of the amendments is as follows:

1. Deletes the separate requirement that iguanas must have disposition records. A recent rule change requires that all reptiles must have disposition records, so it becomes redundant to have a separate requirement applicable only to iguanas.
2. Makes it easier for inspectors to confirm compliance with transfer restrictions for dogs and cats by requiring dates of birth on purchase records. Current regulations forbid transfers of dogs and cats younger than eight weeks, but inspectors have difficulty enforcing this regulation without birth records.
3. Removes the 1/8-inch high lettering requirement in Psittacine Sales Agreements, which warn purchasers of the threat of contracting psittacosis from parrots and other related birds. The letter height requirement converted simple one-page agreements into two-page agreements and otherwise proved impractical to enforce.
4. Requires medication, immunization and treatment records in purchase documents so new pet owners' veterinarians can properly diagnose and treat newly acquired pets. Without those records, veterinarians are unable to properly assess the health of newly acquired pets or to determine their health history.
5. Separates out the pet animal sale and transfer restrictions from the statutes and places them within the rules. The Department has found that pet animal industry members are more likely to read and follow PACFA regulations rather than the statutes. Accordingly, the sale and transfer restrictions have been separated out of the statute and placed within each applicable section for retail/wholesale, dog breeder, cat breeder, animal rescue, animal shelter and small animal breeder categories.

6. Adds a rule prohibiting the transfer of turtles with a carapace of less than four inches, in part to comply with federal law. Small turtles more readily shed salmonella than larger ones. By placing this rule within the regulations, it increases the likelihood that the rule will be read and followed by PACFA license holders and members of the public.
7. Adds a two-pound transfer restriction on kittens. The Department has concluded that weight, rather than age or other factors, is a more reliable indicator of kitten health and suitability for transfer. Existing PACFA license holders have agreed that this constitutes a more workable restriction.
8. Adds facility protection requirements for the dog breeder category. This new rule requires perimeter fencing for dog facilities as a protection against wildlife and humans coming into a facility and to prevent escape of dogs within such facilities.
9. Clarifies tethering restrictions to reflect in-place restrictions and to delete obsolete phase-in tethering regulations.
10. Adds a five-dog restriction to the dog breeder category. This restriction already exists in the animal shelter category, but the Department concluded the same restriction should apply to dog breeders to control aggression within pens. This revision came about at the suggestion of dog breeders.
11. Adds veterinary treatment records to the recordkeeping requirements of dog and cat breeders to facilitate transfer of information to the veterinarians hired by persons purchasing dogs and cats from breeders.
12. Adds date of birth recordkeeping requirements to the cat breeder category in order to better enforce the eight-week transfer restriction. Current regulations prohibit the transfer of cats less than eight weeks old.
13. Prohibits carpeted tops on grooming tables in order to improve sanitation and disease transmission. Carpeted tabletops cannot be removed, cleaned and disinfected. This rule change is based on recommendations from groomers' associations.
14. Adds grooming loops to existing tethering restrictions. The Department of Agriculture has found that injuries and death can result from grooming loops in the same manner as with tethering restrictions and so has added grooming loops to existing restrictions on the use of tethering devices.
15. Adds commingling restrictions to the dog grooming category. Dog owners must now give their consent before their dogs can be commingled for grooming purposes.
16. Adds to the grooming category a requirement that towels must be adequately laundered. Repeated use of soiled towels can otherwise transmit disease.
17. Requires owners of grooming and boarding/training facilities to report escape incidents in their incident reports and requires notification to the Commissioner of escape incidents. Escapes are a growing problem and by adding reporting requirements it assists the Commissioner in conducting investigations and thereby confers a benefit on the public.

The amendments also add escape-proof building or fence requirements to the boarding/training category whereas this requirement previously applied to animal shelters only.

18. Adds space requirements for multiple cats where cats are commingled in boarding/training facilities. Previous regulations were unclear as to space requirements and so this amendment clarifies existing regulations.
19. Prohibits the use of tranquilizers and requires the administration of prescription medications when agreed upon in the boarding/training category. Tranquilizers have sometimes been used without an owner's permission, and at other times instructions for administering prescription medicines have been ignored. This amendment penalizes these transgressions for the first time by making them PACFA violations.
20. Corrects an oversight by adding requirements for psittacine birds and the Psittacine Sales Agreement to the animal rescue category.
21. Clarifies exercise requirements for dogs in the animal shelter category by using indicators based on size of enclosure and length of stay. Previous standards were based in part on a nose-to-tail equation that proved impractical. Based on complaints from animal shelter workers, the amendments clarify exercise requirements and make them easier to follow.
22. Corrects an oversight for the weight limits of cats in primary enclosures in the animal shelter category. It adds a category for cats in the five-to six-pound range where none existed before.
23. Modifies and reduces the minimum height limits in mouse enclosures to conform to industry standards and existing manufacturers' standards. Previous state standards were more stringent than existing industry standards and manufacturers were unable or unwilling to comply with those standards. The previous standards did not stop members of the public from purchasing cages that did not comply, and the more stringent standards were difficult to enforce.

G. January 12, 2005 – Effective March 2, 2005

BASIS:

This rule amendment augments enforcement of the Pet Animal Care and Facilities Act, § § 35-80-101 to 117, C.R.S. (2004) ("PACFA") to reflect the expanding pet animal industry within Colorado. Enforcement goals are to be achieved through hiring additional personnel to be funded by increased license fees. State law authorizes the Commissioner of Agriculture to set license fees, by rule, up to a maximum of \$350.00 per year. There are separate licensing categories for different types of pet animal operations throughout Colorado, and each of those categories has separate license fees.

SPECIFIC STATUTORY AUTHORITY:

This rule is adopted pursuant to the specific statutory authority contained in § 35-80-105(4) C.R.S. (2004). Under that authority, the Commissioner of Agriculture may establish by rule the amount of the annual license fee under PACFA, not to exceed \$350.00 per year.

This copy of the text of the "Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act" is provided as a convenience to the public by the Colorado Department of Agriculture and does not constitute an official publication of these Rules. The official version of these Rules is published by the Office of the Secretary of State in the Colorado Code of Regulations at 8 CCR 1201-11 and may be obtained from the following website: <http://www.sos.state.co.us/CCR/Welcome.do>.

PURPOSE:

The purpose of this rulemaking is to increase the annual PACFA license fees to cover costs associated with hiring an additional PACFA investigator.

H. NOVEMBER 14, 2005 – EFFECTIVE JANUARY 2, 2006

SPECIFIC STATUTORY AUTHORITY:

These amendments are adopted pursuant to § 35-80-105(4) and 35-80-109(2)(c), (e) and (4) C.R.S. (2005) of the Pet Animal Care and Facilities Act.

BASIS AND PURPOSE:

This amendment was requested by industry and reviewed and approved by the PACFA Advisory Committee. Amendments define Network Pet Boarding Facilities as a new subclassification under Part 16: Pet Animal Boarding and/or Training Facilities and sets the license fees in Part 4: License Fees. As provided by statute the Commissioner of Agriculture may establish classifications and subclassifications for licenses; and may set fees, by rule, for different classifications and subclassifications.

I. NOVEMBER 1, 2007 – EFFECTIVE DECEMBER 30, 2007

SPECIFIC STATUTORY AUTHORITY:

The statutory authority of this rule lies in § 35-80-101, *et seq.*, C.R.S., specifically 35-80-109(2)(e), C.R.S., which grants authority to the Commissioner of Agriculture, with the approval of the Colorado Agricultural Commission, to set licensing fees for pet animal facilities, including the authority to establish different fees for different classifications and sub-classifications of licensure. Pursuant to § 35-80-105(4), C.R.S., no fee shall exceed \$350.00.

BASIS AND PURPOSE:

The basis of this rule lies in the importance of maintaining a fee structure that provides adequate funding for maintenance and continued implementation of the Pet Animal Care Facility Act (PACFA). Because PACFA operates on funds derived from fees associated with licensing, the fee structure must adequately reflect the actual budgetary needs of PACFA. Currently, the fund balance for this program exceeds restrictions imposed by the Tax Payers' Bill of Rights (TABOR) Amendment.

The purpose of this rule is to reduce the fund balance, which carries from year to year, by reducing revenues garnered from fees for applications for licensure and re-licensure charged to licensees and applicants. This will bring the fund's operating balance into compliance with restrictions imposed by the TABOR Amendment.

J. May 13, 2008 – Effective June 30, 2008

STATEMENT OF BASIS AND PURPOSE

The statutory basis for the amendment to the Pet Animal Care and Facilities Act Rules and Regulations is §35-80-109(2), C.R.S. as amended.

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The purpose of these rules is to effectuate the legislative directive to promulgate necessary and appropriate rules for the administration and enforcement of the Pet Animal Care and Facilities Act (PACFA).

Notice has been given to local government agencies and organizations that may be affected by this rulemaking.

SPECIFIC PURPOSE OF THIS RULEMAKING

The purpose of this rule change is to encourage licensees to work with PACFA inspectors to resolve complaints in a timely basis and to expedite a fair and accurate system for routine inspections. PACFA personnel desire to resolve all complaints as quickly and efficiently as possible. Further, they desire to conduct all routine inspections with fairness. To accomplish this, the inspectors need to be allowed to perform their duties upon arrival without having to re-schedule those visits (absent extenuating circumstances). This rule provides incentive to a licensee to allow an inspector to complete his or her duties upon arrival rather than upon scheduling of a return visit.

K. MAY 13, 2008 – EFFECTIVE JULY 30, 2008

STATEMENT OF BASIS AND PURPOSE

The statutory basis for the amendment to the Pet Animal Care and Facilities Act Rules and Regulations is §35-80-109(2), C.R.S., as amended.

The purpose of these rules is to effectuate the legislative directive to promulgate necessary and appropriate rules for the administration and enforcement of the Pet Animal Care and Facilities Act (PACFA).

Notice has been given to local government agencies and organizations that may be affected by this Rulemaking.

SPECIFIC PURPOSE OF THIS RULEMAKING

The PACFA Rules were in need of a thorough review for several reasons. First, over the years, various portions of the rules have been amended and changed. Some of these changes resulted in internal, typographical inconsistencies that needed attention. For instance, the reviewing committee noted a few mis-spelled words, stray marks of punctuation, and other minor errors that needed to be adjusted.

Second, advancements in the area of veterinary treatment, specific animal care and other matters that undergo change as general knowledge of specific animals, medicine, and husbandry evolve needed to be addressed and updated. In this regard, the reviewers found it necessary to clarify, among other things, materials that could be used in certain animals' cages, grooming needs of birds, breeding requirements and information and caging density of certain breeds of animals. Additionally, other issues related to feeding, grooming, housing, caging and mating/breeding were addressed.

Finally, the reviewers found it necessary to expand and clarify certain rules. For instance, this rule change will allow inspectors to take action against a licensee should the licensee fail three consecutive re-inspections for the same violation within a single year. Inspectors noted to the reviewing committee that some facilities can rectify a problem prior to a third, consecutive notice of violation, but that the same

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facility will commit the same violation a third, fourth or fifth time within the same year, just not consecutively, endangering animal health. In addition, the rules are expanded to require mobile facilities to have a written set of standard operating procedures that an inspector may view. Other expansions address increasing the age of a human supervisor from 16 to 18 to minimize the risk of commingled situations; harmonizing the rule to the statute in regard to selling cats weighing less than two pounds; and making changes to names of animals to correspond to a more scientific naming system.

These changes, as proposed, reflect the most current information available to the rule-maker in regard to best practices for any and all groups or persons that must be licensed to ensure the highest levels of safety for the animals.