

~~PURSUANT TO THE PROVISIONS OF TITLE 20, SECTION 3549, AND TITLE 19, SECTION 1971 ET SEQ VERMONT STATUTES ANNOTATED, AND SUCH OTHER SPECIAL OR GENERAL ENACTMENTS AS MAY BE MATERIAL HERETO, IT IS HEREBY ORDERED BY THE SELECTBOARD OF THE TOWN OF RICHFORD THAT THE FOLLOWING ANIMAL ORDINANCE SHALL BE ENACTED.~~

TITLE 5

RELATING TO THE TOWN'S

ANIMAL CONTROL

~~RICHFORD SPECIAL SERVICES DISTRICT~~ TOWN OF RICHFORD ANIMAL
ORDINANCE

Section I. Authority.

This ordinance is adopted by the Town of Richford under authority of, 24 V.S.A. §§ 2291(14), and (15), and 24 V.S.A Chapter 59.

Section II. Purpose.

The purpose of this ordinance is to regulate the keeping of dogs and wolf hybrids and to provide for their leashing, muzzling, restraint, impoundment, and destruction, to protect the public health and safety of the Town and preserve the quiet enjoyment of its residents' homes and properties.

Section ~~III~~. Definition of Terms:

For purposes of this ordinance, the following words and phrases will apply: As used in this ordinance, unless the context otherwise indicates, the terms and phrases used herein shall have the following meanings:

- a) "Board" shall mean the Richford Selectboard.
- ~~b) "Cat" shall mean any animal of the feline species.~~
- ~~e)b) _____ "Dog" shall mean any domestic animal of the canine species including wolf-hybrids. animal of the canine species.~~
- ~~d)c) _____ "Domestic PetAnimal" shall mean any domestic dog. animal kept as a pet.~~
- ~~e)d) _____ "Enforcement Officers" means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard. is the person or persons appointed by the Board to enforce this ordinance.~~
- e) "Owner" means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog. ~~shall mean any person~~

~~or persons, partnership, association or corporation owning or harboring a domestic animal. The head of a household having a domestic animal in its possession shall be presumed to be the owner or keeper of such domestic animal, unless the domestic animal is otherwise licensed.~~

f) “Potentially Vicious Dog” means a dog found to be vicious pursuant to Section IV, subsection 6 of this ordinance.

~~f)~~

g) “Pound” is the facility for which the Board has contracted for impoundment and disposal of domestic animals pursuant to this ordinance.

~~“Special Services District” shall be defined by the same boundaries as those of the former Village of Richford.~~

h) “Premises” means the home and real property of the dog owner.

i) “Running at large” means that a dog is not:

a. On a leash; or

b. In a vehicle; or

c. on the owner’s premises.

d. on the premises of another person with that person’s permission; or

e. clearly under the verbal or non-verbal control of its owner.

j) “Wolf hybrid” means an animal that:

a. Is the progeny of a dog and a wolf (Canis lupus or Canis rufus); or

b. Is advertised or otherwise described or represented to be a wolf hybrid; or

c. Exhibits primary physical and/or behavioral wolf characteristics.

k) “Working farm dog” means a dog that:

a. Is bred or trained to herd or protect livestock or poultry or to protect crops; and

b. Is used for those purposes; and

c. Is registered as a working farm dog pursuant to State law.

~~h)~~

Section 2. Regulation of Domestic Animals: Generally

~~It shall be unlawful for any person to own, possess or harbor any domestic animal in the Special Services District except as provided in the ordinance.~~

Section 3. Display of License Tag

~~It shall be the duty of every owner to keep on their dog, other than those dogs provided a special license pursuant to Richford Town regulations, a collar or harness and to fasten securely to such collar or harness, and keep it attached to it, the metal license tag issued pursuant to the town of issuance.~~

Section 4IV. SPECIFIC PROVISIONS Nuisances

1. Lack of current license

- a. In accordance with 20 V.S.A. §§3581 & 3852, an owner of a dog more than six months old, shall annually, on or before April 1 cause it to be registered, numbered, described and licensed for one, (1), year from that day in the Town Clerk's office.
- b. An owner or person who keeps or harbors a dog that becomes six, (6), months old after April 1, and is not licensed, shall, within thirty, (30), days obtain a license for the dog.
- c. The owner of an unlicensed dog(s) found within the Town of Richford shall be issued a warning in accordance with the provisions under Section VII of this ordinance. If the owner does not respond to a warning within ten, (10), days, shall be issued a fine in accordance with the provisions under SECTION VII of this ordinance.

2. Running at large

A dog running at large in the Town

- a. The owner of any dog(s) at large which enters the property of another and therein causes property damage or creates a nuisance shall, upon a signed written complaint of the owner or legal occupant of the property and determined by the Enforcement officer to be a substantial complaint, shall be issued a warning by the enforcement officer in accordance with the provisions under SECTION VII of this ordinance.
- b. The owner of a dog any dog(s) at large which enters the property of another and therein causes property damage or creates a nuisance shall, upon a second written complaint of the owner or legal occupant of the property and determined by the enforcement officer to be a substantial complaint, shall be issued a fine by the enforcement officer in accordance with the provisions under SECTION VII of this ordinance.
- c. The owner of any dog(s) at large within the area of the special services district or the Town and therein causes property damage or creates a nuisance, shall be issued a warning by the enforcement officer in accordance with the provisions under SECTION VII of this ordinance.
- d. The owner of any dog(s) at large within the area of the special services district or the Town and therein causes property damage or creates a nuisance for the second time shall be issued a fine by the enforcement officer in accordance with the provisions under SECTION VII of this ordinance.
- e. Any dog(s) that is repeatedly found at large on the property of another or within the area of the special services district or Town and whose owner has

not paid the fine of a second offense, shall be impounded by the enforcement officer and the owner shall be issued a subsequent fine and be responsible for fees to redeem the dog(s) in accordance with the provisions under SECTION V.

3. Unconfined dog in heat

A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.

- a. It shall be the duty of every owner of an un-spayed female dog(s) to keep such dog(s) confined while the dog(s) is in heat.
- b. The owner of a female dog in heat, which is found at large within the Town of Richford shall be issued a warning by the enforcement officer in accordance with the provisions under SECTION VII subsection 1a of this ordinance.

4. Disturbing the Peace

- a. No owner may keep a dog(s), which, by frequent or habitual barking, howling, or yelping, disturbs the peace or quiet of persons of ordinary sensibility.
- b. The enforcement officer shall, upon receiving a signed written complaint of the person or persons, so disturbed, and after investigation determining that said complaint is substantial, shall issue a written warning in triplicate, to the dog(s) owner. One copy of the warning will be given to the dog(s) owner, one copy will be retained in the enforcement officers' records, and one copy will be kept on file in the Town Clerk's office for a period of one, (1), year from the date of issuance of the warning.

5. Collar

- a. The owner of a dog(s) shall cause it to wear a collar or harness and attach thereto a license tag issued by the Town Clerk.
- b. It shall be unlawful for any person other than the enforcement officer or the owner of a dog to remove the license tag from a dog.
- c. The enforcement officer shall issue a warning to the owners of all dogs found within the Town of Richford that do not have the required license tags.
- d. If the owner of an unlicensed dog(s) found within the Town of Richford that does not have the required license tag attached to a collar or harness does not respond to a warning with ten (10) days, the owner shall be fined and required to license all dogs in accordance with the provisions under SECTION VII of this ordinance.
- e. If the owner of an unlicensed dog(s) found within the Town of Richford that does not have the required tag attached to a collar or harness does not pay a

fine within ten (10) days, the dog(s) shall be impounded in accordance with the provisions under SECTION V of this ordinance.

6. Potentially Vicious Dog

- a. Upon a signed written complaint to the board that a dog or dogs, inflicted minor injuries on a person not necessitating medical attention; chases, worries, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal or real property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog and the enforcement officer has determined that the complaint is substantial, the board shall, within, five, (5), business days from the receipt of the complaint, investigate the complaint and hold a hearing on the matter. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the board in conducting its investigation into the matter. The owner of the dog or dogs which are the subject of the complaint, if the owner can be determined, shall notified of the facts of the complaint, time, date, and place of the hearing by certified mail, return receipt requested. A copy of the hearing notice shall also be mailed to the complainant.
- b. If the complaint against a dog or dogs is sustained, the board shall declare the dog or dogs to be vicious, fine the owner in accordance with the provisions under SECTION VII of this ordinance, make such order for the protection of persons and/or domestic animals as the case may require, and may order:
 - (1) The owner to physically and/or electronically always restrain the dog while outdoors to include chaining or muzzling the vicious dog or dogs,
 - (2) The enforcement officer to have the vicious dog or dogs impounded, or
 - (3) The enforcement officer to have the vicious dog or dogs destroyed.
- c. The order shall be sent by certified mail, return receipt requested to the owner, and a copy of the order shall be given to the enforcement officer, complainant, and the Town Clerk for filing.
- d. A person who, after receiving notice, fails to comply with the terms of this order shall be fined in accordance with the provisions under SECTION VII of this ordinance.
 - a. ~~No owner shall maintain a domestic animal in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare, or safety or which substantially increases the probability of transmission of disease.~~

~~No owner of a domestic animal shall permit such animal to be a private or a public nuisance.~~

- a) ~~A private nuisance shall be those acts of a domestic animal which unreasonably interfere with the use of premises of persons other than the owner and shall include, but not be limited to:~~

- ~~1. Excessive noise so as to disturb adjoining property owners~~
- ~~2. Defecation and examination of garbage cans~~
- ~~3. Damage to personal property~~
- ~~4. The scattering of refuse.~~

~~b) A public nuisance shall be those acts of a domestic animal occurring off the owner's premises which acts cause a well-formed apprehension of danger to any member of the public and is intended to prohibit a domestic animal from exhibiting a sort of threatening behavior, such as growling, snarling or baring teeth, without such animal being confined or otherwise under the immediate control of its owner. These shall include, but not limited to:~~

- ~~1. Harassing pedestrians, bicyclists, or other passersby~~
- ~~2. Attacking people or other animals~~
- ~~3. Obstructing traffic.~~

SECTION 5. Complaints

~~Dogs: Pursuant to state law, complaints must be filed in writing with the Board to be acted upon.~~

~~All other complaints in relation to domestic animals must be filed in writing with the Board.~~

SECTION 6. OWNER RESPONSIBILITIES

~~a) Any owner of a domestic animal which has contracted rabies or which has been exposed to rabies, or which is suspected of having rabies or which has bitten any person, shall upon demand of any law enforcement officer, the health officer, or the enforcement officer, surrender such animal to be held for a period of ten (10) days for observation and treatment, the cost of which shall be the responsibility of the owner.~~

~~b) It shall be the duty of every owner of a domestic animal which has been attacked or bitten by another animal showing the symptoms of rabies to notify a law enforcement, health officer, or enforcement officer immediately that such person has such an animal in his possession.~~

~~c) Whenever a domestic animal is impounded after having bitten a person, the animal shall be held for a sufficient length of time to meet the investigation requirements of the State Health Department. Thereafter, the Board shall determine whether this animal is rabid. If so, the animal shall be destroyed.~~

~~d) It shall be unlawful for the owner, when notified that their domestic animal has bitten any person, to sell or give away such animal, or permit it to be taken beyond the limits of the Special Services District except under the care of a licensed veterinarian without the prior permission of the Board.~~

SECTION 7. RUNNING AT LARGE

~~—No owner of a domestic animal shall permit such animal to be on the premises of such owner in any area of the Special Services District unless such animal is under the immediate control of such owner or other competent person authorized by such owner to exercise such control. Furthermore, no owner of a domestic animal shall permit such animal to be on the premises of any school or of any recreation area or part of the Special Services District except if such animal is controlled on a leash.~~

SECTION 8. IMPOUNDMENT

~~It shall be the duty of the enforcement officer to apprehend any unlicensed dog, and any domestic animal not in compliance with Sections 3, 4, 6, and 7 of this ordinance, and to impound such animal in the Pound. Upon impounding any animal, a record shall be made by the enforcement officer of the breed, color, and sex of the animal, where it was apprehended, and address of the owner, if known; and if a dog, whether or not it was licensed. The record of the impounding officer shall be filed at the Town Clerk's Office.~~

SECTION 9. NOTICE: DISPOSITION OF IMPOUNDED DOMESTIC ANIMALS

- ~~a. If the owner can be determined, the Animal Control Officer shall notify the owner of each dog that is impounded, and the owner may redeem the dog upon payment to the Town of Richford and/or enforcement officer.~~
- ~~b. An impounded dog not redeemed by its owner within five, (5), days of notification of the impoundment may be vaccinated, spayed/neutered, put up for adoption or destroyed by the Town of Richford and/or enforcement officer.~~
- ~~c. In the event the owner of an impounded dog cannot be ascertained, a description of the dog shall be posted in two, (2), public places with the Town of Richford, one of which shall be the Town Clerk's office, for a period of five, (5), business days. If the owner does not redeem the dog within the five, (5), day period, the enforcement officer shall put it up for adoption or destroy the dog.~~
- ~~a. Whenever any domestic animal is impounded, it shall be the duty of the enforcement officer to notify the owner, if known, and if not known, to post at the Town Clerk's Office a notice containing a description of said domestic animal and when and where it was apprehended. If no owner shall claim the same within five (5) full days after such notice or posting, the animal or animals may be sold or given away. The enforcement officer, or any person duly authorized by the Board, may at the expiration of seven (7) days from the date of the receipt of any such domestic animal at the Pound humanely destroy such animal. Any moneys generated from the sale of the impounded animal shall belong to the Special Services District.~~

SECTION 10. REDEMPTION OF IMPOUNDED DOMESTIC ANIMALS: FEES

SECTION VI. REDEMPTION OF IMPOUNDED DOGS:

a)a. _____ The owner or person entitled to the possession of an impounded domestic animal may reclaim such animal upon payment of all costs and charges incurred in impounding and maintaining said animal. The following charges shall be paid to the Town of Richford and/or enforcement officer Special Services District to defray the costs of impoundment:

1. For the first impoundment, a fine of \$15.00
2. For the second impoundment of the same animal, a fine of \$30.00, and
3. For the third and all subsequent ~~impoundment's~~ impoundments of the same animal, a fine of \$60.00.

b)a) _____ The owner, in addition to the charges specified in subsection (a), shall

1. ~~If a dog,~~ Exhibit a valid license or verified copy of the same to the pound keeper, ~~and~~
2. Exhibit a receipt for the fee provided in subsection (a).
3. Pay to the pound keeper for the costs of maintaining said domestic animal during the impoundment period a daily charge of \$5.00, subject to change.

SECTION VII. PENALTIES

1. General Violations: (Lack of current license, running at large, unconfined dog in heat, disturbing the peace, dogs with no collar or tag, and potentially vicious dogs)

a. WARNINGS:

- One warning to the owner of the dog(s) involved
- Any un-heeded warning will result in a fine to the owner of the dog(s) involved

b. FINES

- A fine of twenty-five, (\$25), dollars for the first violation
- A fine of fifty, (\$50), dollars for the second violation within a twelve-month period
- A fine of one hundred, (\$100), dollars for the third and subsequent violation within a twelve-month period.

SECTION 11. PENALTIES

~~A person who violates the provisions of this ordinance shall be fined not more than \$200.00 for each day a violation occurs. Each day a violation continues shall constitute a separate offense.~~

Section 12. Violation Tickets

~~For the convenience of the public and economy in enforcement, the enforcement officer is hereby authorized to issue a ticket to persons violating this ordinance and bring an enforcement action pursuant to Title 24 V.S.A Chapter 59. A person who admits or does not contest a ticket issued pursuant to this ordinance may satisfy the payment of a waiver fee which shall be set as follows:~~

~~_____ First Offense _____ \$25.00~~

~~_____ Second Offense _____ \$50.00~~

~~_____ Third Offense _____ \$100.00~~

~~There shall be no waiver for the fourth and subsequent offenses.~~

Section 13. Civil Enforcement

This ordinance is designated as civil pursuant to 24 V.S.A. para: 1971.

Enforcement of violations shall be pursuant to 24 V.S.A. para: 1971a.

This ordinance shall take effect on November 18, 2024~~October 22, 2001~~.

Selectboard, Chair

Selectboard, Vice Chair

Selectboard

Selectboard

Selectboard