

Richmond Animal Control Ordinance

Adopted November 1, 1999

Effective January 1, 2000

1 st Reading Conducted	<u>August 2, 1999</u>
2 nd Reading Conducted	<u>August 16, 1999</u>
Public Hearing Held On	<u>September 13, 1999</u>
Public Hearing Closed/Vote Taken	<u>November 1, 1999</u>
Filed with Town Clerk On	<u>November 3, 1999</u>

Effective 60 days after adoption unless petitioned by 5% of the voters to hold a vote on such adoption.
Adopted Ordinance published in the *Burlington Free Press* within 14 days of adoption on 11/06/99.

Introduction

The Selectboard of the Town of Richmond, Vermont, acting under the authority of 20 V.S.A. § 3549, et seq. and 24 V.S.A. § 2291 (10), et seq. hereby adopt and ordain this ordinance regulating certain ANIMALS in the Town of Richmond. Pursuant to 24 V.S.A. § 1971, this ordinance is a civil ordinance, and shall be enforced in accordance with provisions of 24 V.S.A. § 1974 (a), et seq.

Section 1. Purpose

This ordinance is adopted to protect and preserve the health, safety, and welfare of the citizens of the Town of Richmond.

Section 2. Definitions

- (a) "ANIMAL" means any DOMESTIC PET or WOLF-HYBRID.
- (b) "DOMESTIC PET" means domestic dogs, domestic cats and FERRETS. The term shall also include such other domestic ANIMALS as the Commissioner of the Department of Agriculture, Foods and Markets or his or her designee ("Commissioner") shall establish by rule.
- (c) "FERRET" means only the European FERRET (*Mustela putorius furo*).
- (d) "OWNER" means any person who owns a DOMESTIC PET or WOLF-HYBRID, and includes any person who has actual or constructive possession of the DOMESTIC PET or WOLF-HYBRID. The term also includes those persons who provide feed or shelter to a DOMESTIC PET or WOLF-HYBRID.
- (e) "WOLF-HYBRID" means an ANIMAL which is the progeny or descendant of a domestic dog (*Canis familiaris*) and wolf (*Canis lupus* or *Canis rufus*). "WOLF-HYBRID" also means an ANIMAL which is advertised, registered, licensed or otherwise described or represented as a WOLF-HYBRID by its OWNER, or an ANIMAL which exhibits primary physical and behavioral wolf characteristics as described by rule of the Commissioner.
- (f) "NOTICE" means:
 - 1. actual NOTICE given orally, or
 - 2. written NOTICE either delivered or mailed by registered or certified mail, return receipt requested to the OWNER'S last known address. Such written NOTICE, if mailed, shall be deemed to have been received by the OWNER at 6:00 p.m. on the first business day after the mailing.

Section 3. Prohibition Against Roaming

An OWNER of an ANIMAL shall not allow, permit or suffer such ANIMAL to roam. An ANIMAL is deemed to be roaming at any time when it is not:

- (a) On a leash, or
- (b) On or within a vehicle, or
- (c) On the property of its OWNER, or
- (d) Clearly under the verbal or non-verbal command of the OWNER, except in the areas of the municipality where the ANIMAL must be on a leash. Such area is depicted on the attached "Leash Area Map", or
- (e) While hunting with the OWNER.

Section 4. Prohibition Against Creating a Nuisance

An OWNER of an ANIMAL shall not allow, permit, or suffer such ANIMAL to create a nuisance. The term “nuisance” means any of the following activities:

- (a) Being on lands other than those of the ANIMAL’S OWNER and, while there, damaging property, threatening, or injuring any person, ANIMAL or livestock.
- (b) Frequently or habitually barking, howling, yelping or in any other like manner unreasonably disturbing the peace and quiet of the persons residing within the town, regardless of the ANIMAL being outside or inside any structure of its OWNER.
- (c) Defecating on lands other than those of the ANIMAL'S OWNER, unless those lands are clearly in a wild or uncultivated state. However, if the OWNER immediately removes the waste the OWNER shall not be in violation of this ordinance.

Section 5. Prohibition Against Certain Activities On Public Lands

An OWNER of a domestic dog or WOLF-HYBRID shall not allow, permit, or suffer such ANIMAL to be on any public lands where signs stating “No Dogs Allowed” have been posted.

Section 6. Impounding an ANIMAL

- (a) Upon complaint by any person, an ANIMAL that is deemed to be roaming or creating a nuisance may be impounded by the ANIMAL control agent of the Town of Richmond, or any law enforcement officer or any other person designated by the Town for the control of ANIMALS. This action may be taken in addition to the assessment of penalties for violation of this ordinance.
- (b) Any ANIMAL so impounded shall be transported to an impounding facility wherein it shall be kept until proof that such ANIMAL is currently vaccinated for rabies is provided, and payment of established impounding facility fees is submitted to the impounding facility. The OWNER of any ANIMAL so impounded shall be notified of the impoundment provided the ANIMAL is wearing a reasonable means of identification or license.
- (c) Any ANIMAL impounded for more than 10 days, after receipt of NOTICE by the OWNER, may be destroyed or delivered to the local chapter of the Humane Society. Any OWNER, if known, who elects not to redeem his or her ANIMAL shall remain liable for the costs of impoundment, fees and penalties.

Section 7. Penalties

- (a) This is a civil ordinance. The Selectboard may appoint, and from time to time at their pleasure, may remove an ANIMAL control agent. The ANIMAL control agent shall be an official authorized to issue complaints for violation of this ordinance. Any law enforcement officer is also hereby designated as an issuing official who may issue complaints for violations of this ordinance.
- (b) The following civil penalties are hereby imposed for violation of this ordinance:

First violation of this ordinance	\$ 40.00
Second violation of this ordinance	\$ 80.00
Third and subsequent violations of this ordinance	\$120.00

The oldest violation will be deleted from the OWNER'S record for the purposes of calculating the foregoing penalties and the waiver penalties set forth if the OWNER completes twelve (12) violation free months.

- (c) Each day a violation continues shall constitute a separate violation.
- (d) In cases where violations of this ordinance are brought to the Traffic and Municipal Ordinance Bureau, and where the violation is admitted or not contested, in lieu of the above, the following waiver penalties are imposed:

First violation of this ordinance	\$ 36.00
Second violation of this ordinance	\$ 72.00
Third and subsequent violations of this ordinance	\$108.00

- (e) In addition to any other remedy provided in this ordinance or available at law or in equity, the Town Selectboard may institute a suit for an injunction to prevent, restrain or abate violations of this ordinance.

Section 8. Other Laws

- (a) This ordinance is in addition to other ordinances enacted by the Town of Richmond.
- (b) This ordinance shall not be construed as waiving the Town's rights of enforcement with regard to any state statute that regulates the OWNER of an ANIMAL. This ordinance is in addition to, and not a substitution for any such statutes.
- (c) This ordinance supercedes the existing ANIMAL control ordinance, which is hereby repealed.

ATTACHMENT A

"Leash Area Map" dated October 18, 1999.

ADOPTED BY RICHMOND SELECTBOARD this 1st day of November, 1999.

Selectboard Member

Selectboard Member

Selectboard Member

Selectboard Member