

JOINT VILLAGE & TOWN ORDINANCE
VILLAGE AND TOWN OF NORTHFIELD
ANIMAL CONTROL AND NUISANCE ORDINANCE

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SECTION 1: AUTHORITY AND ADOPTION

Pursuant to 20 V.S.A. §3549 and 24 V.S.A. §2121, §2291(10)(14)(15), and Sec. 305(4)(17)(25)(42) & (501) of the Charter of the Village of Northfield, as such pertains to the Village of Northfield. The Village and Town of Northfield do hereby adopt the following ordinance to protect the health, safety, and welfare of the citizens of the Village and Town of Northfield and to regulate the keeping of domestic animals

Any Animal Control or Dog Ordinance previously adopted by the Village of Northfield is hereby amended by deleting such ordinance in its entirety upon the effective date of the ordinance as set forth below pursuant to 24 V.S.A. §1971 et seq., as amended.

SECTION 2: DEFINITIONS

- A. **Trustees** shall mean the legislative body of the Village of Northfield, as it may appear from time to time.
- B. **Selectboard** shall mean the legislative body of the Town of Northfield, as it may appear from time to time.
- C. **Enforcement Official** shall mean Northfield Constable, or any Northfield Police Officer.
- D. **Animal Control Officer** shall mean the individual(s) duly appointed by the Trustees and Selectboard to transport and impound offending animals.
- E. **Pound and Poundkeeper** shall mean that place and that person, respectively, designated from time to time by the Trustees of the Village of Northfield, Selectboard of the Town of Northfield, to keep domestic pets and wolf-hybrids found by the Enforcement Officials to be violating any provision of this ordinance.
- F. **Cat** shall mean an animal, both male and female, which is the progeny or descendent of the species *felis catus* or *felis domestica*.
- G. **Dog** shall mean an animal, both male and female, which is the progeny or descendent of the species *canis familiaris*.
- H. **Ferret** shall mean an animal, both male and female, which is the progeny or descendent of the species *mustela putorius furo*.
- I. **Wolf-hybrid** shall mean an animal which is the progeny of a dog (*canis familiaris*) and a 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 keeper or an animal which exhibits primary physical and behavioral wolf characteristics.

- J. **Domestic Pet** shall mean any dog, cat or ferret. The term shall also include such other domestic animals as the Commissioner of the Department of Agriculture, Food and Markets shall establish, from time to time, by rule.
- K. **Owner or Keeper** shall mean any person, people or entity who owns, harbors, keeps or permits any domestic pet or wolf-hybrid to be kept in or about their buildings or premises, and includes any person who has actual or constructive possession of a domestic pet or wolf-hybrid. The term shall also include those persons who provide feed and shelter to a domestic pet or wolf-hybrid. However, it is not the intent of the Trustees and Selectboard to require a person to be responsible under this chapter for feral animals that take up residence in a building other than a person's home, even if the person occasionally provides feed to the animal(s).
- L. **Running at large** shall mean a dog or wolf-hybrid which is not on the property of its owner or keeper and is not (1) on a leash, or (2) on or within a vehicle, or (3) clearly under the verbal command of its owner or keeper or the owner or keeper's agent, or (4) engaged in hunting with its owner or keeper, and (5) other domestic pet which is not on the owner or keeper's property and is creating a disturbance or nuisance as defined in this ordinance.
- M. **Excessive Noise** shall mean any noise created by a domestic pet or wolf-hybrid that is audible to those persons, other than the keeper or owner of the animal, who are in a location where they are lawfully permitted to be, that is of such volume, duration or frequency that to a reasonable person would be improper and irritating.
- N. **Vicious Domestic Pet or Wolf-Hybrid** shall mean a domestic pet or wolf-hybrid which causes any person to reasonably fear a bodily injury by attacking or threatening to attack any person, other than persons who are in the act of trespassing upon the private property of the owner or keeper of the domestic pet or wolf-hybrid.

SECTION 3: RUNNING AT LARGE

- A. No owner or keeper shall permit a wolf-hybrid or domestic pet, except cats, owned by him or under his or her keeping or control to run at large, as defined herein.
- B. An owner or keeper who permits a dog or wolf-hybrid or domestic pet, except cats, to run at large as defined herein shall be subject to such civil penalties or other enforcement remedies as are hereinafter provided and as are otherwise provided by law.

SECTION 4: DISTURBANCES AND NUISANCES

- A. No owner or keeper shall permit a domestic pet or wolf-hybrid to commit a disturbance or nuisance as hereinafter defined.
1. make excessive noise so as to disturb adjoining landowners or pedestrians
 2. cause damage to personal property
 3. scatter refuse
 4. harass pedestrians, bicyclists or other passersby
 5. attack people or other animals
 6. obstruct traffic
 7. cause any person to reasonably fear a bodily injury or sustain a bodily injury by attacking or threatening to attack any person other than persons who are in the act of trespassing upon the private property of the owner or keeper of the domestic pet or wolf-hybrid, or
 8. Animals maintained 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, or
 9. an animal repeatedly, continuously, or habitually allowed or permitted to bark, whine, howl or make loud noises in an excessive, continuous or untimely fashion so as to interfere with the free use and enjoyment of neighboring premises, or
 10. Otherwise be a nuisance or create a disturbance.
- B. An owner or keeper shall not permit a female domestic pet or wolf-hybrid in heat to be outside a building or secured enclosure, except under the control of the owner or keeper.
- C. Owners or keepers who permit a domestic pet or wolf-hybrid to create a disturbance or nuisance as defined herein shall be subject to civil penalties and such other enforcement remedies as are hereinafter provided and as are otherwise provided by law.
- D. EXEMPTIONS:
1. Animals kept for farming or husbandry purposes in a rural setting are exempted from control by this ordinance, and
 2. The reasonable storing and spreading of manure on fields for agricultural purposes or for gardening is exempted from control by this ordinance.

SECTION 5: IMPOUNDMENT AND ENFORCEMENT

- A. Any Enforcement Official, in addition to any other remedies available by statute or as are hereinafter set forth, may apprehend any domestic pet or wolf-hybrid found running at large as defined in this ordinance, and may impound such domestic pet or wolf-hybrid with the poundkeeper.
- B. The Enforcement Official(s) may use all reasonable and lawful methods for catching and impounding a domestic pet or wolf-hybrid found to be in violation of this Ordinance.
- C. An Enforcement Official shall make a reasonable investigation to determine whether a violation of this ordinance has occurred when an appropriate complaint is lodged with the Trustees or Selectboard or any Enforcement Official. If the Enforcement Official reasonably concludes pursuant to his or her investigation that a domestic pet or wolf-hybrid is running at large, he or she may impound said domestic pet or wolf-hybrid with the Poundkeeper.
- D. An appropriate complaint shall be deemed to have been made when a person gives the Enforcement Official a description of the behavior which is the basis for the complaint and a description of the offending animal in as much detail as possible, including size, color and other distinguishing features which shall be useful in helping the enforcement official to make a proper identification.
- E. The Enforcement Official upon apprehending and impounding any domestic pet or wolf-hybrid, shall make a complete registry, entering the breed, if known, color and sex of such domestic pet or wolf-hybrid, and whether the domestic pet or wolf-hybrid is licensed and shall, if possible after reasonable inquiry, notify the owner or keeper. If a domestic pet or wolf-hybrid is licensed, the Enforcement Official shall enter the name and address of the owner or keeper and number of the license tag. He or she shall immediately forward a duplicate copy to the Town Clerk to be filed with the domestic pet or wolf-hybrid licenses.

SECTION 6: RELEASE FROM IMPOUNDMENT

- A. Upon delivery to the pound, the impounding Enforcement Official shall notify the owner or keeper, if the domestic pet or wolf-hybrid is licensed and has identifying tags. The domestic pet or wolf-hybrid shall be held for five (5) working days.
- B. If the domestic pet or wolf-hybrid is unlicensed, the Enforcement Official shall notify the owner or keeper, if known, and shall post or cause to be posted, a notice containing a description of the domestic pet or wolf-hybrid in the Town Clerk's office, and one additional public location, for five (5) working days.

- C. If the owner or keeper does not claim the domestic pet or wolf-hybrid within five (5) working days from posting of the notice, the domestic pet or wolf-hybrid shall be given to the Central Vermont Humane Society.
- D. No domestic pet or wolf-hybrid shall be released unless the owner or keeper shall first have applied for and received a valid current license, and all impoundment, boarding and license fees, and the cost of any necessary shots, as required herein, have been paid.

SECTION 7: IMPOUNDMENT FEES

- A. Any domestic pet or wolf-hybrid impounded under the provisions of this ordinance shall be released only on payment of a \$40.00 impoundment fee; provided however, that any domestic pet or wolf-hybrid impounded for the third time in any fiscal year shall be released on payment of a \$50.00 impoundment fee, and if so captured four (4) or more times in any fiscal year, it shall be released only upon payment of a \$60.00 impoundment fee.
- B. In addition to the impoundment fees charged herein, there shall be a boarding charge for each day or fraction thereof during which the domestic pet or wolf-hybrid is impounded.
- C. The Trustees and Selectboard are hereby empowered to establish and/or change impoundment fees and boarding charges provided for in this section by appropriate joint resolution, and such schedule is incorporated by reference herein and attached hereto.

SECTION 8: DESIGNATION AS A CIVIL ORDINANCE: ADDITIONAL REMEDIES

- A. For the purposes of 24 V.S.A. §1971 this Ordinance is designated as a civil Ordinance.
- B. In addition to the remedies provided herein or otherwise available at law, any animal that violates for Section 2, para N of this ordinance shall be either chained, muzzled, destroyed or kenneled at the owners expense as directed by the legislative body. This ordinance may be enforced pursuant to 20 V.S.A. §3550, as amended, or 24 V.S.A. §1974(a), as amended, at the election of any Enforcement Official who shall be, and is hereby, designated as the issuing municipal official for the purpose of pursuing civil remedies under 24 V.S.A. §1977(b) et seq., as amended. If the Enforcement Official seeks to enforce this ordinance pursuant to 20 V.S.A. §3550, as amended, said official shall notify the Trustees and Selectboard of this election, who shall forthwith issue the notice as required by 20 V.S.A. §3550(e), as amended.

SECTION 9: CIVIL PENALTIES

- A. Any owner, keeper or other person who violates any section of this ordinance, in addition to any other fines, penalties and remedies as provided by law, shall be subject to the following progressive civil penalties.
1. At the option of the Enforcement Official, the issuance of a warning letter notifying the owner or keeper to license the domestic pet or wolf-hybrid immediately, if applicable, or take other action to prevent the domestic pet or wolf-hybrid from causing a disturbance or nuisance or running at large.
 2. A fine of \$50.00 for the first and second violation, \$80.00 for the third violation, and \$100.00 for each violation thereafter.
 3. Each day that the violation continues shall constitute a separate violation.
 4. A waiver fee of one-half the civil penalty to which an owner or keeper is subject shall be assessed for those owners or keepers who admit or do not contest the ordinance violation, which amount and the date for acceptance of the waiver fee shall be affixed to the complaint or notice.

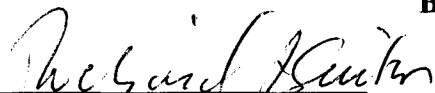
SECTION 10: SEVERABILITY

Any part or provision of this ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or provision of this ordinance.

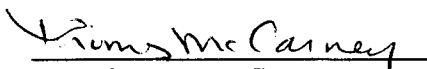
Approved on this 18th day of August, 2003.

Unless a petition is received pursuant to Article V, Section 503, of the Village Charter, this Ordinance shall become effective immediately upon adoption as it applies to the Village of Northfield.

BOARD OF TRUSTEES


Richard Suitor, Chair


Libby Hambleton


Thomas McCarney


Paul Johnson

Alan H. Weiss

Approved on this 18th day August 2003

Unless a petition is received pursuant to 24 V.S.A. §1973, this Ordinance shall take effect sixty (60) days after the final date of adoption, as it applies to the Town of Northfield.

BOARD OF SELECTBOARD

Donald M Wallace
Donald M. Wallace, Chair

Daniel H DiLena, Jr
Daniel DiLena

Lynn Sanders
Lynn Sanders

Bradford Denny
Bradford Denny

Richard I Greenslit
Richard I. Greenslit