

## Thetford Pet Ordinance

Accepted: June 14, 2010

Date In Force: July 31, 2010

### Introduction

The town of Thetford Currently requires that all dogs, Wolf-Hybrids and Ferrets be registered. Although felines and other domestic animals are not required to be registered at this time, sections of this ordinance still apply. The Selectboard of the Town of Thetford, 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 Thetford. 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.

In addition to this Town Ordinance, residents are required to comply with State laws regarding provision to animals of water, food, sanitation, exercise and freedom of movement. These State requirements, in their current statutory form, are partially listed below.

- Provision of fresh water
- Provision of shelter from elements
- Provision of minimal freedom of movement
- Provision of opportunity to exercise
- Provision of minimum sanitation

The Legislature may change these statutory requirements from time to time, and all parts of this ordinance not explicitly repealed in part or in full due to such changes will remain in force.

### Section 1. Purpose

This ordinance is adopted to protect and preserve the health, safety, and welfare of the citizens of the Town of Thetford; to provide humane treatment to animals; and to provide due process to animal owners.

### 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 WOLFHYBRID.

(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.

(g) "OFFICER" means the Town Animal Control Officer, police officer, or any member of the Thetford Selectboard.

### **Section 3. License**

(a). Each dog [or wolf hybrid] over six (6) months of age shall be licensed according to 20 V.S.A. §§ 3581-3592 and shall wear a collar or harness with the current license attached. An animal that is visiting from out of state must wear a collar or harness with a current license from its home state attached.

The current fees for licensing are:

1. For neutered dogs [or wolf hybrids] - \$8.00
2. For unaltered dogs [or wolf hybrids] - \$12.00

and may be modified by the Selectboard by majority vote.

(b). A dog [or wolf hybrid] that is found without a collar or harness and license may be immediately impounded.

(c). Penalties for registrations:

1. If a Thetford resident misses the April 1 deadline, but renews his/her dog's license without an official warning, a \$25.00 late fee will be assessed in addition to the licensing fee. This late fee is inclusive of any state-mandated fee increases and may be changed by Selectboard majority vote at any time, but is not to exceed \$500.
2. If a dog [or wolf hybrid] owner moves to Thetford after the April 1 deadline, she/he has 90 days to license her/his dog [or wolf hybrid] by paying the regular licensing fee. If the dog [or wolf hybrid] owner fails to license the dog [or wolf hybrid] within 90 days the penalty schedule in Part 3 will apply.
3. If a dog [or wolf hybrid] owner who has resided in Thetford before the April 1 deadline and fails to license their dog [or wolf hybrid] and who does not comply within twenty-one (21) days of a written warning by the Selectboard may be issued a citation by mail for a fine of \$50.00 by the Animal Control Officer, Town Clerk or a Thetford Police Officer. The owner then must pay the fine plus the

appropriate licensing fee. This fine may be changed by Selectboard majority vote at any time, but is not to exceed \$500.

- a. If the owner does not comply within an additional twenty-one (21) days of a second warning sent with the first citation, a new citation for a fine of \$100.00, comprising a new offense, may be sent to the owner by the Animal Control Officer, the Town Clerk or a Thetford Police Officer. This fine may be changed by Selectboard majority vote at any time, but is not to exceed \$500.
- b. If the owner does not comply within an additional twenty-one (21) days of a third warning issued with the second citation, a citation for a fine of \$300.00 may be given to the owner by the Animal Control Officer, the Town Clerk or a Thetford Police Officer and the dog [or wolf hybrid] may be impounded. The owner then must pay the fines, licensing fee, and any other related fees. This fine may be changed by Selectboard majority vote at any time, but is not to exceed \$500.
- c. If the dog owner fails to pay citations in a timely manner, the Town may forward the citations for enforcement to the Vermont Judicial Bureau, which will have the capacity to revoke the owner's drivers license.
- d.

#### **Section 4. 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
- (e) While hunting, working or training with the OWNER.

#### **Section 5. 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 (for 15 minutes within an hour, day or night).
- (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 6. Sanitary Cleanup**

The person in control of a dog [or wolf hybrid] that defecates in any maintained public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner or shall be considered in violation of this ordinance.

#### **Section 7. Humane Care of Animals**

- (a) All domesticated animals shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any domestic animal determined by an Officer to be without such clean and safe facilities may be impounded.
- (b) Any person who is found to cruelly neglect to provide necessary sustenance, beat or abuse their domestic animal may result in impoundment of the animal.

#### **Section 8. 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 Thetford, 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, by OWNER, 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 an animal shelter. Any OWNER who elects not to redeem his or her ANIMAL shall remain liable for the costs of impoundment, fees and penalties.
- (d) The following impoundment fees shall apply (all within a six (6) month period):
  - 1. \$15.00 for a registered animal, not wearing license, first offense.
  - 2. \$30.00 for a registered animal, not wearing license, second offense.
  - 3. \$60.00 for a registered animal, not wearing license, third and subsequent offenses.
  - 4. \$25.00 for an unregistered animal, first offense.
  - 5. \$50.00 for an unregistered animal, second offense.
  - 6. \$100 for an unregistered animal, third and subsequent offenses.
  - 7. An additional fee of \$10.00 per day will be charged in all cases for the maintenance and care of the impounded animal.
  - 8. These fees may be changed by Selectboard majority vote at any time, but are not individually to exceed \$500.

### **Section 9. Investigation of a Vicious Domestic Pet or Wolf-Hybrids**

- (a) When a domestic pet or wolf-hybrid has bitten a person while the dog or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person or witness may file a written complaint with the legislative body of the municipality. 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 legislative body in conducting its investigation.
- (b) The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid that is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.
- (c) If the domestic animal or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the dog or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.
- (d) The procedures provided in this section shall only apply if the domestic animal or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the department of health shall apply.

### **Section 10. 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 or Selectboard member is also hereby designated as an issuing official who may issue complaints for violations of this ordinance.
- (b) In cases where violations of this ordinance are where the violation is admitted or not contested, the following waiver penalties are imposed:
  - First violation of this ordinance \$ 40.00
  - Second violation of this ordinance \$ 80.00
  - Third and subsequent violations of this ordinance \$120.00The 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 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 10. Enforcement**

This is a civil ordinance and shall be enforced by the Town Animal Control Officer and Officers of the Thetford Police Department in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq. Each violation shall be subject to a fine of up to \$500.00. Each day the violation continues shall constitute a separate violation of this ordinance

**Section 11. Other Laws**

(a) This ordinance is in addition to other ordinances enacted by the Town of Thetford.

(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.

ADOPTED BY THETFORD SELECTBOARD this 14th day of June, 2010.

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Tig Tillinghast, Chair

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John Bacon

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Cathee Daum Clement

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Donn Downey

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Michael Pomeroy