

**TOWN OF MARSHFIELD
CIVIL ORDINANCE #4**

REGULATING DOMESTIC PETS

WHEREAS, the Town of Marshfield has by virtue of 20 V.S.A. 3549 and 24 V.S.A. 2291(10) and 1971, the powers to adopt, amend, repeal and enforce ordinances and to manage and regulate domestic pets within its boundaries;

NOW THEREFORE, to protect the public health, to assist in the compliance with State laws, and to provide for the identification and correction of nuisance and disturbances caused by domestic pets, the Selectboard of the Town of Marshfield hereby adopts this ordinance.

**ARTICLE I
DEFINITIONS**

- 1) *Commissioner* shall mean the Commissioner of the Department of Agriculture, Food and Markets, and shall include his or her designee.
- 2) *Selectboard* shall mean the legislative body of the Town of Marshfield as it may appear from time to time.
- 3) *Enforcement Officer* shall mean any Constable, Health Officer, Animal Control Officer, or Selectboard member.
- 4) *Animal Control Officer* shall mean the individual or individuals as are duly appointed by the Selectboard to administer this ordinance.
- 5) *Pound and Poundkeeper* shall mean those places and those persons, respectively, designated from time to time by the Selectboard of the Town of Marshfield to keep domestic pets and wolf-hybrids found by the Enforcement Officer to be violating any provision of this ordinance. For the convenience of the Town, both short-term (less than 3 days) and longer term impoundment may be so designated.
- 6) *Cat* shall mean an animal, both male and female, which is the progeny or descendent of the species *felis catus* or *felis domestica*.
- 7) *Dog* shall mean an animal, both male and female, which is the progeny or descendent of the species *canis familiaris*.
- 8) *Ferret* shall mean an animal, both male and female, which is the progeny or descendent of the species *mustela putorius furo*.

- 9) *Wolf-hybrid* shall mean an animal which is the progeny of a dog (*canis familiaris*) and a wolf (*canis lupus* or *canis refus*). *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.
- 10) *Domestic pet* shall mean any dog, cat or ferret.
- 11) *Owner* or *keeper* shall mean any person, persons 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 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).
- 12) *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.
- 13) *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.
- 14) *Running at large* shall mean a dog or wolf-hybrid which is not on the property of the owner or keeper and is (1) not 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.
- 15) *Confinement* shall mean keeping an animal on the owner's property in an escape-proof building or enclosure approved by the Town Health Officer or Animal Control Officer; e.g., a house, garage or pen. The animal must be confined so as to not escape and not bite or expose anyone during the confinement period. The Town Health Officer or Animal Control Officer must approve conditions of confinement; for example, whether a muzzled dog may be leash-walked by an adult.
- 16) *Quarantine* shall mean keeping an animal off the owner's property in a facility approved by the Town Health Officer or Animal Control Officer; e.g., an approved kennel or a veterinary hospital. The animal must be isolated from human or animal contact.

ARTICLE II
RUNNING AT LARGE, DISTURBANCES AND NUISANCES

- 1) No owner or keeper shall permit a dog or wolf-hybrid owned by her/him or under her/his keep or control to run at large.
- 2) An owner or keeper shall not permit a domestic pet or wolf-hybrid to commit a disturbance or nuisance as hereinafter defined:
 - a. make excessive noise so as to disturb adjoining landowners;
 - b. cause damage to personal or real property of others, including digging in soil and defecating;
 - c. scatter refuse;
 - d. harass pedestrians, bicyclists or other passersby;
 - e. attack persons, fowl, (or) other animals, or domestic pets;
 - f. worry livestock;
 - g. obstruct traffic;
 - h. 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
 - i. otherwise be a nuisance or create a disturbance.
- 3) An owner or keeper shall not permit a female dog or wolf-hybrid in heat to go off the owner or keeper's property unless under the owner or keeper's control.
- 4) 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.

ARTICLE III
IMPOUNDMENT AND ENFORCEMENT

- 1) Any Enforcement Officer, in addition to any other remedies available by statute or as are hereinafter set forth, may apprehend any domestic pet or wolf-hybrid for creating a disturbance or nuisance contrary to the provisions of this ordinance, and may impound such domestic pet or wolf-hybrid with the poundkeeper:
 - a) on the first offense if the violation is one listed in Section 2 d, e, f, g or h of Article II, or,
 - b) on the third and subsequent offense if the violation is one listed in Section 1 or Section 2 a, b, c, or i of Article II.
- 2) The Animal Control Officer(s) or Enforcement Officer(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, and authorized to be impounded in

accordance with Section 1 of this Article, including the use of tranquilizing and marking apparatus.

- 3) An Enforcement Officer shall make a reasonable investigation to determine whether a violation of this ordinance has occurred when an appropriate complaint is lodged with the Selectboard or any Enforcement Officer and the complainant can document contact with the owner or keeper to correct the disturbance or nuisance. The Enforcement Officer may waive the requirement to document the contact. In the case of a complaint concerning Article II, Section 1 (Running at Large) two households must jointly or independently bring the complaint defining the disturbance or nuisance caused on each property. If the Enforcement Officer reasonably concludes pursuant to his or her investigation that a domestic pet or wolf-hybrid is creating a disturbance or nuisance, he or she may impound said domestic pet or wolf-hybrid with the Poundkeeper, if authorized in accordance with Section 1 of this Article.
- 4) An appropriate complaint shall be deemed to have been made when a person/persons gives the Selectboard or other Enforcement Officer a full description of the domestic pet or wolf-hybrid, including breed, size, color and other distinguishing features, which description must be sufficient for an Enforcement Officer to make proper identification. If such description is insufficient for a proper identification, no domestic pet or wolf-hybrid shall be impounded. The person/persons who made such complaint shall, within forty-eight (48) hours of the original complaint, file in writing with the Selectboard or other Enforcement Officer a written complaint on a form furnished by the Town of Marshfield setting forth his or her name, address, phone number, description of the domestic pet or wolf-hybrid and circumstances under which the domestic pet or wolf-hybrid was believed to be in violation of this ordinance. If no written complaint is filed, the Enforcement Officer, at his or her option, may release the domestic pet or wolf-hybrid upon receipt of payment of any impoundment fees or boarding fees which may be due.
- 5) The Enforcement Officer, upon apprehending and impounding any domestic pet or wolf-hybrid, shall make a complete registry in a permanent record book, entering the breed, 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 Officer 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 registry to the Town Clerk to be filed with the domestic pet or wolf-hybrid licenses.

ARTICLE IV RELEASE FROM IMPOUNDMENT

- 1) Upon delivery to the pound, the impounding Enforcement Officer shall notify the owner or keeper, if the domestic pet or wolf-hybrid is licensed and has identifying tags. Notice shall be sufficient if given by phone, in person or by certified mail to

its owner or keeper. The domestic pet or wolf-hybrid shall be held for five (5) working days from mailing of notice unless claimed earlier.

- 2) If the domestic pet or wolf-hybrid is unlicensed, the Enforcement Officer shall notify the owner or keeper by certified mail, if known, and shall post a notice containing a description of the domestic pet or wolf-hybrid in the Town Clerk's Office for five (5) working days.
- 3) If the owner or keeper does not claim the domestic pet or wolf-hybrid within five (5) working days from mailing or posting of the notice, the domestic pet or wolf-hybrid may be given to any person who pays the Poundkeeper's fees and the cost of any necessary shots and license fees.
- 4) 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. If the domestic pet or wolf-hybrid does not hold a valid rabies certificate, the Poundkeeper will arrange to have the pet vaccinated at a service charge of \$10, or currently amended rate.
- 5) If no person claims an impounded domestic pet or wolf-hybrid on or within ten (10) working days of the mailing or posting of notice, the domestic pet or wolf-hybrid may be humanely destroyed, and the Town of Marshfield shall pay all necessary costs incident thereto.

ARTICLE V IMPOUNDMENT FEES

- 1) Any domestic pet or wolf-hybrid impounded under the provisions of this ordinance at any impoundment facility designated by the Selectboard shall be released only on payment of a \$30 impoundment fee to the Town of Marshfield; provided, however, that any domestic pet or wolf-hybrid impounded for the third time in any calendar year shall be released on payment of a \$45 impoundment fee, and if so captured four (4) or more times in any calendar year, it shall be released only upon payment of a \$60 impoundment fee.
- 2) In addition to the impoundment fees charged herein, there shall be a boarding charge of \$10 per day or fraction thereof paid to the poundkeeper, beginning the day the animal is accepted, during which the domestic pet or wolf-hybrid is impounded.
- 3) The Selectboard is hereby empowered to increase the impoundment fees and boarding charges provided for in this section by appropriate resolution.

**ARTICLE VI
CONFINING, IMPOUNDING AND EUTHANASIA OF SUSPECT
OR RABID ANIMALS**

- 1) Any Enforcement Officer may impound or cause the confinement or quarantine of any domestic pet or wolf-hybrid when:
 - a. It is suspected of having been exposed to rabies;
 - b. It is believed to have been attacked by another animal which may be rabid;
 - c. It has been attacked by a rabid animal;
 - d. It has an unknown rabies vaccination history;
 - e. It has bitten a person.
- 2) In the event that a domestic pet or wolf-hybrid is impounded under this section, the owner or keeper, if known, shall be notified within 24 hours. Notification may be accomplished by in-person communication, by telephone call, or by written statement sent to the last known address of the owner. If the owner or keeper's address is not known, notification may be posted in the Town Clerk's Office and other usual places for public notice for a one-week period.
- 3) Any domestic pet or wolf-hybrid which is considered a rabies suspect, or is suspected of biting a person, shall be managed in accordance with the rules of the Department of Health and the provisions of 20 V.S.A. Chapter 193, Subchapter 5, as amended. Any dog suspected of rabies will be quarantined at an approved location unless the Animal Control Officer, Town Health Officer, or Selectboard feels that confinement by the owner is appropriate.
- 4) The owner or keeper of any domestic animal or wolf-hybrid that is a suspect rabid animal, as defined in this section, which is confined or quarantined, or euthanized for the purpose of testing for rabies, shall be responsible for all costs associated with said confinement, quarantine, euthanization and the rabies testing.
- 5) The Town of Marshfield shall not be responsible for damages incurred in euthanization and rabies testing, or be liable for the value of such animals.

**ARTICLE VII
INVESTIGATION OF BITES BY DOMESTIC PETS OR WOLF-HYBRIDS**

- 1) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper; and the person bitten requires medical attention for the attack; or visible scratches or punctures remain on the skin, such person may file a written complaint with the Selectboard. The complaint shall contain the time, date and place where the attack occurred, the names and addresses of the victim or victims and witnesses, and any other facts that may assist the Selectboard in conducting its investigation required by subsection (2) of this section.

- 2) The Selectboard, within seven (7) calendar days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner or keeper of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner or keeper shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.
- 3) If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained or confined. The requirements of any such order shall not conflict with the requirements of Article VI, particularly Section 3. 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 herein.

ARTICLE VIII RIGHT TO KILL DOMESTIC PETS OR WOLF-HYBRIDS

- 1) A person may kill a domestic pet or wolf-hybrid that suddenly assaults him or her or when necessary to discontinue an attack upon the person or another person provided the attack or assault does not occur while the domestic pet or wolf-hybrid is restrained, within an enclosure containing the domestic pet or wolf-hybrid, or on the premises of the owner. 20 V.S.A. 3545(a)
- 2) A domestic pet or wolf-hybrid found wounding, killing or worrying another domestic pet or wolf-hybrid, a domestic animal or fowl may be killed when the attendant circumstances are such that the killing is reasonably necessary to prevent injury to the animal or fowl which is the subject of the attack. 20 V.S.A. 3545(b)

ARTICLE IX LICENSING

- 1) A person who owns, harbors or keeps a dog or wolf-hybrid more than six months old shall annually on or before April 1 cause it to be registered, numbered, described and licenses on a form provided by the Marshfield Town Clerk, and shall pay for the license those amounts permitted or required by 20 V.S.A. 3581, as amended. If the license fee for any dog or wolf-hybrid is not paid by April 1, its owner or keeper may thereafter procure a license for that license year by paying a fee of fifty percent in excess of that otherwise required.
- 2) Before a person shall be entitled to obtain a license for a spayed female or neutered male dog or wolf-hybrid, he or she shall exhibit to the Town Clerk a certificate signed by a duly licensed veterinarian showing that the female or male

dog or wolf-hybrid has been sterilized.

- 3) A license surcharge fee of \$1.00 per license is mandated by the State of Vermont, which will be forwarded to the State Treasurer to be used for rabies control programs. This surcharge shall not be considered to be part of the license fee for the purpose of calculating a penalty for late payment.
- 4) A license surcharge fee of \$2.00 per license is mandated by the State of Vermont, which will be forwarded to the State Treasurer to be used for spay/neuter programs. This surcharge shall not be considered to be part of the license fee for the purpose of calculating a penalty for late payment.
- 5) A license fee surcharge of up to \$5.00 per license is hereby implemented by the Selectboard for the sole purpose of funding a domestic pet or wolf-hybrid control program. This surcharge shall not be considered to be part of the license fee for the purpose of calculating a penalty for late payment.
- 6) Before obtaining a license for a dog or wolf-hybrid six months of age or older, a person shall deliver to the Town Clerk a certificate or a certified copy thereof signed by a duly licensed veterinarian, stating that the dog or wolf-hybrid has received a current vaccination against rabies with a vaccine approved by the Commissioner, and the person shall certify that the dog or wolf-hybrid described in the certificate or copy is the dog or wolf-hybrid to be licensed. The Town Clerk shall keep the certificates or copies thereof on file. The owner of any dog or wolf-hybrid shall maintain a copy of the rabies vaccination form and provide it to state and Marshfield officials upon request.
- 7) Any dog or wolf-hybrid impounded pursuant to this section may be released to its owner or keeper only when said dog or wolf-hybrid is properly licensed with the Town of Marshfield and all impoundment and boarding fees set forth in Article V herein are paid. Unclaimed dogs or wolf-hybrids shall be disposed of in accordance with the provisions of Article IV herein.
- 8) Pursuant to 20 V.S.A. 3590, as amended, the Selectboard shall annually certify a list of unlicensed dogs or wolf-hybrids as of May 30. Such list shall be given to the Town Clerk and the Animal Control Officer for licensing and further action as required by law.

ARTICLE X PENALTIES AND CIVIL ENFORCEMENT

This ordinance is a civil ordinance and its enforcement shall follow the procedures described in 24 V.S.A. 1974(a).

Any owner, keeper or other person who violates any section of this ordinance shall, in addition to any other fines, penalties and remedies as provided by law, be subject to the following:

- 1) A Notice of Violation letter notifying the owner or keeper to license the domestic pet or wolf-hybrid immediately, if applicable, or take action to prevent the domestic pet or wolf-hybrid from causing a disturbance or nuisance. This letter may be issued at the option of the Enforcement Officer in lieu of initially imposing a penalty. Uncorrected and corrected violations may still result in penalties.
- 2) A civil penalty of not more than \$500 may be imposed for a violation of this ordinance. Each day that the violation continues shall constitute a separate violation. The penalty schedule shall be \$50 for the first violation, \$75 for the second, and \$100 for the third and any subsequent violations. Violations shall include violations of orders issued under Article VII.
- 3) In accordance with the procedures of the Traffic and Municipal Ordinance Bureau, a waiver fee of 75% of 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 and pay the waiver fee, which amount and the date for acceptance of the waiver fee shall be affixed to the complaint or notice.
- 4) Violations of this ordinance where the penalty is \$500 or less including all continuing violations shall be brought before the Traffic & Municipal Ordinance Bureau.
- 5) The Municipal Ordinance Bureau hearing officer, on application of the Town of Marshfield, may order that the violation cease.

ARTICLE XI DESIGNATION OF ENFORCEMENT PERSONNEL

- 1) The Animal Control Officer(s) shall be the primary Enforcement Officer(s) under the provisions of this ordinance.
- 2) In the absence of an Animal Control Officer, or in a situation of an emergency nature, any Enforcement Officer may enforce the provisions of this ordinance.

ARTICLE XII REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**ARTICLE XII
SEVERABILITY**

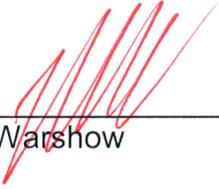
This ordinance and its various parts, sentences, sections and clauses are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**ARTICLE XIII
EFFECTIVE DATE**

This ordinance shall become effective sixty (60) calendar days after the adoption date shown below.

Adopted this 19th day of June, 2007.

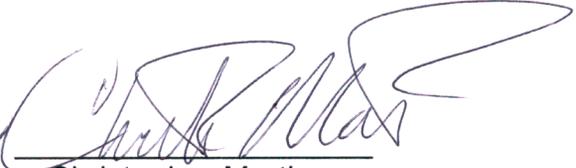
Selectboard Members:



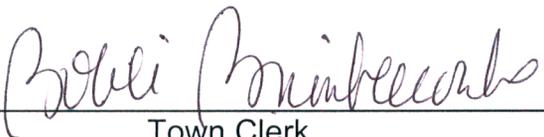
John Warshaw



Laura Johnson



Christopher Martin

Attest: 

Town Clerk