

**TOWN OF RICHMOND ORDINANCE 2015-02
ANIMAL CONTROL ORDINANCE**

The Selectboard of the Town of Richmond hereby ordains that the Town of Richmond Animal Control Ordinance, also known as the Dog Ordinance, is hereby amended as follows:

Section I. Amendment of Existing Ordinance

The existing Animal Control Ordinance in effect at the time of the reading and adoption of this amendment is hereby repealed and replaced with the new language below:

Richmond Animal Control

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Richmond under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. It is the purpose of this ordinance to regulate the keeping of dogs [and wolf hybrids] and to provide for their leashing, muzzling, restraint, impoundment and destruction and their running at large, so as to protect the public health and safety of the Town and the quiet enjoyment of its residents' homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply:

- A. "Dog" means any member of the canine species. For purposes of this ordinance, this term, wherever used, shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.
- B. "Enforcement Officer" means the Animal Control Officer, any Police Officer, or any other person designated as an Enforcement Officer by the Selectboard.
- C. "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.
- D. "Vicious dog" means that a dog can be found to be vicious after the Selectboard has held a hearing pursuant to 20 V.S.A. § 3546 and has determined that the dog has bitten a victim without provocation and the person bitten required medical attention for the attack.
- E. "Running at large" means that a dog is not:
 - 1. on a leash;
 - 2. in a vehicle;
 - 3. on the owner's premises;
 - 4. on the premises of another person with that person's permission;
 - 5. clearly under the verbal or non-verbal control of the owner;
 - 6. hunting with the owner.

F. "Wolf hybrid" means:

1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*);
2. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
3. An animal that exhibits primary physical and/or behavioral wolf characteristics.

G. "Working farm dog" means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to State law.

SECTION 4. NUISANCES. An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

A. Running at large in the Town.

B. A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.

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

D. A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 60 minutes or more. This regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel/boarding facility.

E. The provisions of this section pertaining to running at large and disturbing the quiet, comfort and repose of others shall not apply to working farm dogs if:

1. the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or
2. the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.

SECTION 5. COLLAR AND LICENSE. Each dog shall be licensed according to the laws of this State and shall wear a collar or harness with the current license attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog that is found running at large without a collar or harness and license shall be immediately impounded in accordance with the impoundment procedures approved by the Town.

SECTION 6. ENFORCEMENT. The violation of this ordinance shall be a civil matter which will be enforced pursuant to 20 V.S.A; Chapter 193§ 3550.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Richmond may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND COSTS.

Penalties for violations of sections 4 and 5 of this ordinance shall be as follows:

- A. First offense \$50.00
- B. Second offense \$100.00
- C. Third offense \$150.00
- D. Subsequent offenses \$200.00
- E. For purposes of determining the sequence of offenses, second and third offenses shall be those that occur within the 12-month period of the anniversary day of the first offense. Any offense occurring after this 12-month period shall be considered a new first offense.
- F. Any owner whose dog has been impounded for its initial third offense shall provide the Selectboard with proof of satisfactory completion of a responsible dog owner training course within 6 months of the anniversary date of impoundment. Failure to provide such certification may result in forfeiture of the offending animal.
- G. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.
- H. In addition to the aforementioned penalties; impoundment, impoundment costs and any remedial action as required by the enforcement officer may be charged to the owner if applicable.
- I. Impoundment costs shall be \$15.00 per day plus any required pet healthcare, rabies vaccination or other extraordinary costs incurred by the town while the dog was impounded.

SECTION 8. IMPOUNDMENT.

- A. Any dog that is determined by the Animal Control Officer, any Police Officer, to be a potentially vicious dog, which presents an imminent danger to people or other animals, has reportedly bitten a person off or on the premises of its owner, or is in violation of State licensing law or 20 V.S.A. § 3806 may be immediately impounded in accordance with the impoundment procedures approved by the Town.

SECTION 9. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.

- A. The officer who impounds a dog shall alert the Animal Control Officer who shall, within twenty-four (24) hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the dog and the steps that are necessary to have it returned to the owner.
- B. If the owner of the dog is unknown, the Animal Control Officer shall, within twenty-four (24) hours of impoundment post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) day period. The public notice shall include a description of the dog, including any significant marks of identification, when and where it was impounded or found by the person placing the dog in the town's custody, and declare that unless the owner claims the dog and pays all expenses incurred by the town for treatment, boarding and care of the dog, any applicable penalties

and takes all necessary remedial action within ten (10) days following posting, the town may place the dog in an adoptive home, transfer it to a humane society or rescue organization. If the dog cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

- C. Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including but not limited to boarding, food, and veterinary expenses), the final disposition of a vicious dog hearing if applicable, and after all necessary remedial action is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license, and verification of certification of current vaccination against rabies.
- D. If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization, or if the town is unable to transfer the dog it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment and any expenses associated with its transfer or humane disposal.
- E. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If the Animal Control Officer determines that the dog is a rabies suspect, the Animal Control Officer shall immediately notify the Town Health Officer who shall proceed in accordance with the rules of the Vermont Department of Health.

SECTION 10. INVESTIGATION OF VICIOUS DOGS.

- A. When a dog has bitten a person while the dog is off or on the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard per 20 VSA 3546(a). 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 in the investigation.
- B. The Chief of Police shall, upon receipt of the complaint, investigate the charges present a case to the Selectboard. Within seven (7) days of receipt of the complaint, the Selectboard shall hold a hearing on the matter. If the owner of the dog which 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 a copy of the complaint.
- C. If the dog is found to have bitten the victim without provocation by the Selectboard, 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 dog is muzzled, chained, removed from the owner's premises or confined. The order shall

be sent by certified mail, return receipt requested to the owner. An owner 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.

SECTION II. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Richmond and all applicable laws of the State of Vermont. 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.

SECTION III. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Town of Richmond's Selectboard.

Adopted this _____ day of _____, 2015.

SELECTBOARD MEMBERS

*****Animal Impoundment Release Form***
(applicable for all domestic animals except dogs)
Town of Richmond, Vermont**

Person Making this Report: _____ **Title** _____

Date, Time and Location of Incident: _____

Briefly Describe Incident: _____

Owner's Name: _____

First Middle Last

Owner's Address: _____

Street Town/City Zip code

Owner's Phone: _____

Home Cell Work

Owner's E-mail Address _____

Animal's Name: _____ Animal's Breed: _____

Animal's Markings: _____ Animal's Age: _____

Fines to be determined by Animal Control

All Fines Must be Paid in CASH at the Town Clerk's Office

Days Boarded _____ X \$15.00 per day = \$ _____

Amount Collected at the Town Clerk's Office: \$ _____

Amount Collected By: _____ **date:** _____

The following applies to all animal owners, whose animal has been impounded by the Town:

I, _____, (Print Name), owner of the above stated animal, understand and agree that the Town of Richmond will not be liable for problems, health issues and or dispensing of medications, etc. while the animal is in the care of the Town. I further understand that if immediate medical care is needed, it is the owner's responsibility to pay for the associated cost.

Signature of animal owner: _____ Date: _____

NOTE: Animal Owner must present a copy of this form at the impoundment location.

I, _____ have released said animal on: _____

Copies/Receipts: Town Clerk (1) - Animal Control (1) - Animal Owner (1)

For Clerk's Use Only: Deposit has been refunded: Date: _____ Initials: _____