

**TOWN OF MARSHFIELD
CIVIL ORDINANCE #4**

REGULATING DOMESTIC PETS

**ARTICLE I
AUTHORITY**

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

**ARTICLE II
PURPOSE**

The purpose of this ordinance is to regulate the keeping of domestic pets and to provide for their leashing, muzzling, restraint, impoundment and destruction, in order to protect the public health and safety of the Town, and preserve the quiet enjoyment of its residents' homes and properties.

**ARTICLE III
DEFINITIONS**

- 1) **Animal Control Officer** shall mean the individual or individuals as are duly appointed by the Selectboard to administer this ordinance.
- 2) **Cat** shall mean an animal, both male and female, which is the progeny or descendent of the species *felis catus* or *felis domestica*.
- 3) **Commissioner** shall mean the Commissioner of the Department of Agriculture, Food and Markets, and shall include his or her designee.
- 4) **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.
- 5) **Coyote-hybrid** shall mean an animal which is the progeny of a dog (*canis familiaris*) and a coyote (*canis latrans*). Coyote-hybrid shall also mean an animal which is advertised, registered, licensed or otherwise described or represented as a coyote-hybrid by its owner or keeper or an animal which exhibits primary physical and behavioral coyote characteristics.
- 6) **Dog** shall mean an animal, both male and female, which is the progeny or descendent of the species *canis familiaris*. The term shall include wolf-hybrid or coyote-hybrid.
- 7) **Domestic pet** shall mean any dog, cat or ferret (including wolf-hybrid and coyote-hybrid).

- 8) **Enforcement Officer** shall mean any Constable, Health Officer, Animal Control Officer, Police Officer, Humane Officer, Selectboard member, or any other designated as an Enforcement Officer by the Selectboard.
- 9) **Excessive Noise** shall mean any noise created by a domestic pet 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.
- 10) **Ferret** shall mean an animal, both male and female, which is the progeny or descendent of the species *mustela putorius furo*.
- 11) **Owner or keeper** shall mean any person, persons or entity who owns, harbors, keeps or permits any domestic pet to be kept in or about their buildings or premises, and includes any person who has actual or constructive possession of a domestic pet. The term shall also include those persons who provide feed and shelter to a domestic pet. 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) **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 found by an 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.
- 13) **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.
- 14) **Running at large** shall mean a dog which is not on the property of the 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 or on the premises of another person with that person's permission
- 15) **Selectboard** shall mean the legislative body of the Town of Marshfield as it may appear from time to time.
- 16) **Vicious Domestic Pet** shall mean a domestic pet 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.

- 17) **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.
- 18) **Working farm dog** means a dog that:
- a. is bred or trained to herd or protect livestock or poultry or to protect crops; and
 - b. is used for those purposes; and
 - c. is registered as a working farm dog pursuant to State law

**ARTICLE II
RUNNING AT LARGE, DISTURBANCES AND NUISANCES**

- 1) No owner or keeper shall permit a dog 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 to commit a disturbance or nuisance as hereinafter defined:
- a. disturbing the quiet, comfort and repose of others by barking, whining, calling, or howling for a period of 30 minutes or more;
 - b. disturbing the quiet, comfort and repose of others by barking, whining, calling, or howling for a period of 5 minutes or more between the hours of 10:00 p.m. and 7:00 a.m.;
 - c. causing damage to personal or real property of others, including digging in soil and defecating;
 - d. scattering refuse;
 - e. obstructing traffic; or
 - f. worrying livestock;
 - g. attacking fowl, other animals, or domestic pets;
 - h. harassing pedestrians, bicyclists or other passersby;
 - i. causing 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.

- 3) **Exemptions for Working Dogs.** The provisions of the above section pertaining to running at large and disturbing the peace shall not apply to working farm dogs if the working farm dog is:
 - a. barking in order to herd or protect livestock or poultry or to protect crops; or
 - b. running at large in order to herd or protect livestock or poultry or to protect crops.
- 4) An owner or keeper shall not permit a female dog in heat to go off the owner or keeper's property unless under the owner or keeper's control.
- 5) Owners or keepers who permit a domestic pet 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 for creating a disturbance or nuisance contrary to the provisions of this ordinance, and may impound such domestic pet with the poundkeeper:
 - a. on the first offense if the violation is one listed in Section 2 e, f, g, h or i 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 d 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 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. If the Enforcement Officer reasonably concludes pursuant to his or her investigation that a domestic pet is creating a disturbance or nuisance, he or she may impound said domestic pet 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, 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 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 and circumstances under

which the domestic pet 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 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, shall make a written report to the Town Clerk, entering the breed, color and sex of such domestic pet, and whether the domestic pet is licensed and shall, if possible after reasonable inquiry, notify the owner or keeper. If a domestic pet 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 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 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 shall be held for five (5) working days from mailing of notice unless claimed earlier.
- 2) If the domestic pet is unlicensed, the Enforcement Officer shall notify the owner or keeper by certified mail, if known, or shall post a notice containing a description of the domestic pet in the Town Clerk's Office for five (5) working days if the owner is not known.
- 3) No domestic pet 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 does not hold a valid rabies certificate, the Poundkeeper will arrange to have the pet vaccinated and the owner shall pay the cost of the vaccination.
- 4) If the owner or keeper does not claim the domestic pet within five (5) working days from mailing or posting of the notice, the domestic pet may be given to any person who pays the Poundkeeper's fees and the cost of any necessary shots and license fees.
- 5) If no person claims an impounded domestic pet on or within ten (10) working days of the mailing or posting of notice, the domestic pet may be humanely destroyed, and the Town of Marshfield shall pay all necessary costs incident thereto.

ARTICLE V IMPOUNDMENT FEES

- 1) Any domestic pet 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 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, the Poundkeeper may charge reasonable and customary boarding fees, beginning the day the animal is accepted and for each day that the animal remains impounded.

**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 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; or
 - e. It has bitten a person.
- 2) In the event that a domestic pet 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 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 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**

- 1) When a domestic pet has bitten a person while the domestic pet 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 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 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 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

- 1) A person may kill a domestic pet 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 is restrained, within an enclosure containing the domestic pet, or on the premises of the owner. 20 V.S.A. 3545(a)
- 2) A domestic pet found wounding, killing or worrying another domestic pet, 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 more than six months old shall annually on or before April 1 cause it to be registered, numbered, described and licensed 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(a), as amended. If the license fee for any dog 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, he or she shall exhibit to the Town Clerk a certificate signed by a duly licensed veterinarian showing that the female or male dog has been sterilized.
- 3) A license surcharge fee as outlined in 20 VSA 3581(f) 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 as outlined in 20 VSA 3581(c)(1) 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 as outlined in 20 VSA 3581(c)(2) is hereby implemented by the Selectboard for the sole purpose of funding a domestic pet 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. The actual amount of the surcharge will be determined by the Selectboard annually.
- 6) Before obtaining a license for a dog 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 has received a current vaccination against rabies with a vaccine approved by the Commissioner, and the person shall certify that the dog described in the certificate or copy is the dog to be licensed. The Town Clerk shall keep the certificates or copies thereof on file. The owner of any dog shall maintain a copy of the rabies vaccination form and provide it to state and Marshfield officials upon request.
- 7) Any dog impounded pursuant to this section may be released to its owner or keeper only when said dog is properly licensed with the Town of Marshfield and all impoundment and boarding fees set forth in Article V herein are paid. Unclaimed dogs 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 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

- 1) A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Washington County Superior Court, at the election of the Selectboard.
- 2) Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and represent the Town at any hearing. Each day the violation continues shall constitute a separate violation.
- 3) Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.
- 4) 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:

Violations of Article II Section 1, Section 2a, 2b, 2c, 2d, Section 4, and Article IX

1st Offense: warning or	\$ 50.00 fine	Waiver Fee: \$ 37.50
2nd Offense within a year:	\$ 75.00 fine	Waiver Fee: \$ 56.25
3rd & Subsequent Offense within a year:	\$ 100.00 fine	Waiver Fee: \$ 75.00

Violations of Article II Section Section 2e, 2f, 2g, 2h

1st Offense: warning or	\$ 100.00 fine	Waiver Fee: \$ 75.00
2nd Offense within 3 years:	\$ 150.00 fine	Waiver Fee: \$ 112.50
3rd & Subsequent Offense within 3 years:	\$ 200.00 fine	Waiver Fee: \$ 150.00

Violations of Article II Section 1, Section 2i Article VII Section 3

1st Offense: warning or	\$ 150.00 fine	Waiver Fee: \$ 112.50
2nd Offense within 5 years:	\$ 300.00 fine	Waiver Fee: \$ 225.00
3rd & Subsequent Offense within 5 years:	\$ 500.00 fine	Waiver Fee: \$ 375.00

**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**

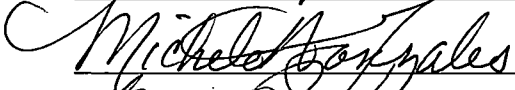
This ordinance shall become effective sixty (60) calendar days after the adoption date shown below.

Adopted this 21st day of September, 2021

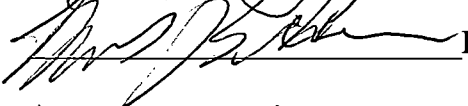
Select Board Members



Christopher Martin



Michele Gonzales



Richard Baker

Attest:



Bobbi Brimblecombe, Town Clerk