

**TOWN OF MARSHFIELD, VERMONT**  
**CIVIL ORDINANCE #7**  
**REGULATING LIVESTOCK RUNNING AT LARGE**

**1. Purpose and Authority**

The Selectboard of the Town of Marshfield finds that Livestock Running at Large cause damage to private property and present a significant danger to motorists traveling on Town and State highways. Livestock Running at Large may also transmit communicable diseases to Livestock that is properly fenced and contained. Accordingly, the Marshfield Selectboard finds Livestock Running at Large in the Town of Marshfield to be a public nuisance.

The purpose of this Ordinance is to abate and remove this public nuisance by establishing reasonable regulations for impoundment of Livestock Running at Large and to thereby protect the health, safety, and welfare of the public and the quiet enjoyment of Marshfield residents' homes and property. This Ordinance is adopted by the Marshfield Selectboard under the authority of 24 V.S.A. §2291(14) and (15). This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

**2. Definitions**

For purposes of this Ordinance, the following words and phrases shall apply:

**Enforcement Officer** means any Law Enforcement Officer, Animal Control Officer, constable, Marshfield Select Board member or other person designated an Enforcement Officer under this Ordinance by the Marshfield Selectboard.

**Impoundment Expenses** means expenses incurred by the Town for the impoundment of Livestock, including but not limited to, transportation, boarding, food, and veterinary expenses.

**Livestock** means cattle, American bison, swine, sheep, goats, horses, cervids, camelids, ratites, rabbits, pheasants, chukar partridge, coturnix quail, guinea hens, chickens, ducks, turkeys, or any other animal that can or may be used in and for the preparation of meat, fiber, fur or poultry products.

**Owner** means any person who owns Livestock or has actual or constructive possession of Livestock.

**Remedial Action** means the action of the Owner of Livestock, as directed by an Enforcement Officer, necessary to securely contain the Livestock on the Owner's property. Remedial Action may include, but is not limited to, construction or repair of fences, gates, pens, corrals, paddocks, sties, or other structures necessary to contain the Livestock on the Owner's property.

**Run at Large or Running at Large** means off property owned or leased by the Owner and not under the control of the Owner or an agent of the Owner.

**3. Prohibition**

The Owner of Livestock shall not allow or permit, such Livestock to Run at Large in the Town of Marshfield.

**4. Impoundment**

(A) An Enforcement Officer may immediately impound, at an impoundment facility designated by the Selectboard, any Livestock found Running at Large in the Town of Marshfield

(B) Within twenty-four (24) hours after impounding such Livestock, the Enforcement Officer shall give written notice to the Owner, informing the Owner of the violation of this Ordinance and the Remedial Action necessary to release the Livestock from impoundment.

(C) The Remedial Action shall be completed by the Owner within forty-eight (48) hours of the notice.

(D) Impounded Livestock shall be released to the Owner only upon satisfactory completion of the Remedial Action and payment of all Impoundment Expenses owed to the Town. The Enforcement Officer shall be authorized to enter the Owner's property to inspect fences, gates, pens, corrals, paddocks, sties, or other structures to determine if the Remedial Action has been completed.

(E) If the Owner of the Livestock is unknown, the Enforcement Officer shall, within twenty-four (24) hours of impoundment, post a notice in the Town Clerk's office, the Town's website, and three (3) public places in the Town. The posted notice shall include a description of the Livestock, the time and place the Livestock was found and impounded, and the name, address, and telephone number of the Enforcement Officer. The notice shall be posted for ten (10) days.

**5. Forfeiture/Destruction** (A) If the impounded Livestock is not claimed from impoundment by the Owner after ten (10) days, or the Owner gives notice to the Enforcement Officer of forfeiture of ownership, or the Owner fails to complete the Remedial Action, or the Owner fails to pay all Impoundment Expenses due to the Town, the Livestock may, at the discretion of the Selectboard, be sold, transferred to a humane society or rescue organization, or humanely destroyed. B) The proceeds from the sale of the Livestock, if any, shall be turned over to the Owner after payment of any outstanding Impoundment Expenses due to the Town, and payment for any damage done by the Livestock, in an amount to be determined by the Selectboard.

(C) If Livestock are found to be a nuisance and can not be impounded, the Selectboard reserves the right to have the livestock destroyed.

## **6. Civil Penalty**

(A) In addition to completion of the Remedial Action and payment of any Impoundment Expenses, an Owner that allows, permits, or suffers Livestock to Run at Large in the Town of Marshfield shall be subject to a civil penalty. The Enforcement Officer shall be authorized to act as an issuing municipal official to issue and pursue a municipal complaint for the civil penalty before the Vermont Judicial Bureau.

(B) An Enforcement Officer is authorized to recover Civil Penalties and Waiver Fees in the following amounts:

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
First Offense	\$160.00	\$100.00
Second Offense	\$320.00	\$250.00
Third Offense	\$480.00	\$400.00
Fourth Offense	\$640.00	\$550.00
Fifth and Subsequent Offenses	\$800.00	\$700.00

(C) In addition to the enforcement procedures herein, the Selectboard may commence a civil action in Superior Court to obtain injunctive or other appropriate relief and may pursue any other remedy authorized by law.

**10. Other Laws**

This Ordinance is in addition to all other ordinances of the Town of Marshfield and all applicable laws of the State of Vermont.

**11. 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.


**12. Effective Date**

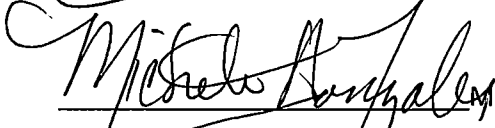
This Ordinance shall become effective sixty (60) days after adoption by the Town of Marshfield Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this Ordinance.


Adopted this 21st day of September, 2021.

Town of Marshfield Selectboard

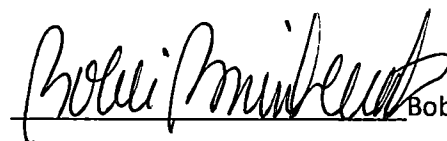
Select Board Members

  
Christopher Martin

  
Michele Gonzales

  
Richard Baker

Attest:

  
Bobbi Brimblecombe, Town Clerk