

**NORWICH ANIMAL CONTROL ORDINANCE
2005**

1. AUTHORITY

This ordinance is adopted under the provisions of VSA T20, §3549.

2. CIVIL ORDINANCE

Any infraction of this ordinance will be considered a civil matter.

3. DEFINITIONS

“Animals”: shall include dogs and wolf-hybrids.

“At Large”: shall mean off the premises of the owner, and not under the control of the owner, a member of his immediate family or an agent of the owner either by leash, cord, chain or otherwise within the control of such person, so that at all times the animal can be prevented from causing any damage, disturbance, or annoyance.

“Restraint”: shall mean physical restriction of the animal by chaining, leashing, use of electronic fencing, placing in a fenced or enclosed area, or other similar action.

“Confinement”: shall mean being kept in a closed space from which the animal shall not be allowed to leave. The inside of a house or closed garage or kennel is such a place. Note that an outdoor wire pen is not sufficient to confine a bitch in heat.

“Impoundment”: shall mean the taking of an animal into physical custody by the Animal Control Officer and transport to the nearest available animal shelter. The owner will be required to pay all expenses incurred during the period that an animal is impounded.

“Sustained Period”: shall mean a period of 20 minutes or longer of continuous or frequent occurrence.

“Repeatedly”: shall mean more than twice within a seven day period.

4. GENERAL PROVISIONS

- A. Each person owning and/or keeping an animal or animals within the Town of Norwich shall bear sole responsibility for the actions of his or her animal(s). The owner or keeper shall be held responsible for preventing his or her animal(s) from becoming a nuisance, as defined below, and shall be responsible for payment of all damages and expenses caused by his or her animal(s), including impoundment fees.
- B. Under this section, an animal is causing a nuisance, or is a menace to persons or property, under any of the following conditions:
 - 1. If it runs at large off the premises of the owner on any public or private property.
 - 2. If it barks or howls continuously for sustained periods of time, causing annoyance to persons.
 - 3. If the dog damages or destroys property, spreads garbage, defecates on private property or maintained public areas and the person responsible refuses to remove fecal matter, or if it chases vehicles, game, domestic animals, or humans.
 - 4. While it runs at large, it bites, attacks or otherwise menaces persons using the streets or sidewalks.
 - 5. If a bitch is unconfined while in heat.

- C. Any person who considers an animal to be a menace, or in any way to be a threat to persons or property may complain to the Norwich Police Department, who will cause the complaint to be investigated promptly.

5. LICENSING OF ANIMALS

Note: This section refers only to dogs, and wolf hybrids.

- A. All dogs and wolf hybrids kept within the Town of Norwich must be licensed by the Town Clerk, in accordance with the provisions and fee schedule described in VSA T20, §3581. All animals will be licensed by April 1 each year. A penalty of 50% of the license fee will be added after April 1.

New dogs and wolf hybrids, not yet six months old on April 1, and dogs and wolf hybrids that have moved into Norwich with their owners are exempt from the 50% penalty.

All animals when they reach the age of six months must be licensed within 30 days. Newly acquired animals older than 6 months must be licensed immediately.

When an animal has been registered for the current year (4/1 to 3/31) in another town in Vermont, and the owner then moves to Norwich, a current Norwich tag will be issued for \$1.00 on presentation of the other town's license (T20, §3591). No reciprocity is provided with any other State's license.

- B. By April 15, the Town Clerk will prepare a list of licenses issued during the current year and a list of those animals licensed in the previous year that have not yet been licensed in the current year (T20, §3590). The Town Clerk will notify each owner of an animal thus identified that the animal is unlicensed and will explain the penalties involved. This notice may be in writing or by telephone.
- C. When a designated animal control officer or Norwich Police find an animal that is unlicensed for the current period, they will inform the owner of the need to license and the penalties that will be collected.

6. ANIMAL BITES (PROTECTION FROM RABIES)

Note: These regulations are based on the recommendations of the Vermont Department of Health.

- A. When a complaint is received that an animal has bitten a human, the Animal Control Officer, or Police Officer shall identify the animal, if it has a license tag, and will order the owner to confine the animal for 10 days. If no facilities exist for confining the animal at the owner's home, the animal will be placed in the care of a Veterinarian for 10 days and all expenses thus incurred will be the responsibility of the owner.

If the animal has a current tag, but the owner can not be found, the animal will be delivered to a veterinarian for the 10 day observation period.

In the event the animal has no identification and the owner can not be found, the animal will be delivered to a veterinarian for observation.

If any animal appears ill during the 10 day confinement this animal must be evaluated by a Veterinarian. No animal may be destroyed during the 10 day observation period, except on the order of a Veterinarian and after an attempt has been made to contact the owner.

- B. The Norwich Health Officer or Deputy will be informed of the bite and he will ensure that the person bitten received medical attention.

The Health Officer will determine that the period of confinement is carried out. At the end of 10 days the Health Officer will contact the animal owner and determine if the animal is healthy. The Health Officer may decide that a veterinarian should examine the animal and issue a certificate of freedom from rabies; the cost of such an examination will be paid by the animal's owner.

If there is any doubt about the animal's health at the end of the confinement the animal will remain confined and advice will be obtained from the Department of Health.

The Health Officer will file an Animal Bite Report Form with the Vermont Department of Health.

- C. Should rabies be confirmed in the confined animal the matter shall be handled as directed by the Board of Health with the advice of the Department of Health and after an attempt has been made to contact the owner.

7. DOGS CAUSING INJURY OR DEATH OF DOMESTIC/FARM ANIMALS

When the animal control officer or Norwich Police Officer receives a complaint that animal(s) have harassed, injured or killed any domestic/farm animals, the officer shall investigate the complaint and submit a copy of the report to the Chief of Police. The Chief of Police will provide the Town Manager with the investigative report describing the incident and extent of injury inflicted, along with an estimated dollar value. The Town Manager will consider the facts, information and circumstances surrounding the incident and may request that the owner(s) of the animals causing the injury or death pay fair compensation to the owner of the injured or killed domestic/farm animals. The Town Manager may also initiate additional actions as may be provided by statute to prevent the reoccurrence of a similar incident.

8. ENFORCEMENT OF THIS ORDINANCE

- A. The Town Manager may appoint an Animal Control Officer to carry out and enforce the provisions of this ordinance. The appointment will detail the duties of the officer. The Animal Control Officer will be paid an agreed hourly rate.

In the event that the position of Animal Control Officer is vacant, all complaints will be handled by the Norwich Police Department who are authorized to employ temporary qualified staff to catch or restrain animals, to transport and/or impound animals or to cause animals to be destroyed, which actions shall be in compliance with the provisions of this ordinance. References to the Animal Control Officer shall include the Police Officers when they are acting as Animal Control Officers.

- B. The Animal Control Officer or the Norwich Police shall have one or more of the following administrative alternatives at their disposal:
 - 1. A verbal warning.
 - 2.(a) A written warning, to alert an owner that his/her animal is in violation of a provision(s) of this ordinance.
 - (b) After written warning. A citation for violation shall be \$50.00. A second violation and subsequent citations up to a \$100 fine. (See appendix A for guidelines for the Police.)
 - 3. An order to restrain the animal. Such order shall be in writing and a copy shall be delivered to the Town Manager.
 - 4. Temporary impoundment of the animal, until such time as its owner can be located. This will result in a \$50.00 charge if the Animal Control Officer or Norwich Police Officer goes out to collect the animal.
 - 5. An Order of Confinement for biting animals or bitches in heat.
 - 6. Such other action as the Town Manager shall determine.

9. APPEALS

Any person receiving a citation (and fine), an order to restrain or an order to confine an animal may appeal that action in writing to the Town Manager, within twenty-one days of receipt of the notice of violation. Upon receiving such an appeal, the Town Manager will schedule a hearing for the appeal within fourteen days. The owner of the animal, the Animal Control Officer/Norwich Police Officer and the person making the complaint about the animal will be notified to attend the hearing. The Town Manager will hear the merits of the case and shall affirm, reduce or eliminate the penalty as justice may require. The decision may be delivered to the respondent immediately following the hearing or shall be delivered no later than five days following the hearing.

If the person making the original complaint about an animal declines to attend the hearing and the Animal Control Officer or Norwich Police Officer affirms the action taken by him was solely upon the information of the complainant and not corroborated by his personal observation, the fine or order shall be dismissed by the Town Manager.

10. PAYMENT OF FINES, WAIVER FOR NON-CONTESTED VIOLATIONS AND COLLECTION BY THE TRAFFIC & MUNICIPAL COURT

All fines must be paid within 35 days of issuing of a citation. A waiver of one half of the fine will be made if the fine is paid to the Treasurer, Town of Norwich within 21 days from mailing or receipt of the citation. If the fine has not been paid after 35 days, a Traffic and Municipal Court Citation will be issued for collection of the full fine.

11. EFFECTIVE DATE

This ordinance will become effective 60 days after adoption.

12. SEVERABILITY

Any part or provision of this ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or provision of this ordinance.

13. REPLACEMENT

This ordinance supersedes all existing Norwich animal control ordinances.

**APPENDIX A
GUIDELINES FOR THE POLICE OR
ANIMAL CONTROL OFFICER**

1. When an animal is running at large but causing no other nuisance, the owner should receive a warning for the first offense and a \$50.00 fine for a second offense and fines up to \$100 for subsequent violations. This procedure will apply to these situations:
 - the animal is brought to the police station
 - the police find and pick up the wandering animal; for example: an animal wandering in traffic
 - the police find a dog running at large and take the animal to a shelter.
2. When a first citation is issued for an animal biting, attacking or being a physical threat, the owner should consider appropriate restraint of the animal both to protect the public from injury and the owner from civil action.

A second citation for the same reason must result in restraint of the animal, which may be verified by the police.
3. A restraining order shall remain in effect for one year. After this period the owner may relax the restraint if he/she is convinced the animal no longer poses a threat. However, a further citation will result in a full fine and re-imposition of the restraining order.

**APPENDIX B
ADDITIONAL PROVISIONS**

Norwich residents should be aware of the following additional restraining provisions. The owner or keeper of an animal shall be held responsible for restraining his or her dog(s) in the following situations.

1. All dogs kept within the Norwich Fire District must be restrained to the confines of their owner's or keeper's property lines, or under the direct control of their owners or keepers when away from that property. Dogs found running at large in the Fire District will be subject to impoundment and a fine of \$50.00. The fine will increase up to \$100 for subsequent violations.
2. No dogs will be allowed on the premises of the Norwich Swimming Pool during supervised hours. After supervised hours dogs are only allowed when they are under the immediate control of their owners or keepers.

Signed:

Alison M. May, Chair

Date Adopted: 10/12/2005

John C. Candon

Ben Ptashnik

Edwin S. Childs

Gerard Chapdelaine

Date Effective:

ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on September 28, 2005.
2. Read and approved at regular Selectboard meeting on October 12, 2005 and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the Valley News newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]