

TOWN OF WEATHERSFIELD, VERMONT

ANIMAL CRUELTY ORDINANCE

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I: AUTHORITY

This Ordinance is enacted to protect the welfare of animals in the Town of Weathersfield, Vermont, under authority of Title 24, Section 2291 (21), and Chapter 59 of the Vermont Statutes Annotated.

II: DEFINITIONS

Consistent with the provisions of Title 13, Chapter 8, of the Vermont Statutes Annotated, regulating the humane and proper treatment of animals:

- A. “**Animal**” shall mean all living sentient creatures, not human beings [13 V.S.A. § 351 (1)];
- B. “**Cruelty to animals**” shall mean if a person [13 V.S.A § 352]:
 - (1) intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner;
 - (2) overworks, overloads, tortures, torments, abandons, administers poison to, cruelly beats or mutilates an animal, exposes a poison with intent that it be taken by an animal;
 - (3) ties, tethers, or restrains an animal, either a pet or livestock, in a manner that is inhumane or is detrimental to its welfare. Livestock and poultry husbandry practices are exempted;
 - (4) deprives an animal which a person owns, possesses or acts as an agent for, of adequate food, water, shelter, rest or sanitation, or necessary medical attention, or transports an animal in overcrowded vehicles;

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- (5) owns, possesses, keeps or trains an animal engaged in an exhibition of fighting, or possesses, keeps or trains any animal with intent that it be engaged in an exhibition of fighting, or permits any such act to be done on premises under his or her charge or control;
- (6) acts as judge or spectator at events of animal fighting or bets or wagers on the outcome of such fight;
- (7) as poundkeeper, officer, agent of a humane society or as an owner or employee of an establishment for treatment, board or care of an animal, knowingly receives, sells, transfers or otherwise conveys an animal in his or her care for the purpose of research or vivisection;
- (8) intentionally torments or harasses an animal owned or engaged by a police department or public agency of the state or its political subdivisions, or interferes with the lawful performance of a police animal;
- (9) knowingly sells, offers for sale, barter or displays living baby chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or fails to provide poultry with proper brooder facilities;
- (10) uses a live animal as bait or lure in a race, game or contest, or in training animals in a manner inconsistent with Part 4 of Title 10 or the rules adopted thereunder.

- B. “Secretary” shall mean the Secretary of Agriculture, Food and Markets [13 V.S.A. § 351 (2)];

III: LIMITATIONS

- A. This Ordinance shall not apply to:
- (1) activities regulated by the Department of Fish and Wildlife, pursuant to Title 10, Part 4, of the Vermont Statutes Annotated;
 - (2) scientific research governed by accepted procedural standards subject to review by an institutional animal care and use committee;
 - (3) livestock and poultry husbandry practices as defined in Title 13, Section 351(13), of the Vermont Statutes Annotated for the raising, management and use of animals;
 - (4) veterinary medical or surgical procedures; or
 - (5) the killing of an animal as provided by Title 20, sections 3809 and 3545, of the Vermont Statutes Annotated.
- B. Enforcement involving the welfare of livestock and poultry shall not be attempted prior to consultation with the Secretary.

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IV: CIVIL ENFORCEMENT

This Ordinance is a civil ordinance and enforcement shall be carried out in accordance with Title 24, section 1974a *et seq.*, of the Vermont Statutes Annotated. An enforcement officer shall be guided by the Rules established by the Secretary regarding cruelty to animals and aggravated cruelty to animals.

V: ENFORCEMENT OFFICERS

The Select Board authorizes all of the following officers to enforce this Ordinance:

- A. the Town Constable;
- B. the Town Animal Control Officer;
- C. the Town Health Officer or Deputy Health Officer;
- D. any Vermont law enforcement officer;
- E. humane society officers, employees, or agents.

VI: PENALTIES

A. A person found in violation of cruelty to animals shall be subject to the following penalties:

- (1) First Offense: \$100.00 full penalty, per animal
\$50.00 waiver penalty*, per animal
plus reasonable animal care costs;
- (2) Second Offense: \$200.00 full penalty, per animal
\$100.00 waiver penalty*, per animal
plus reasonable animal care costs;
- (3) Third Offense: \$300.00 full penalty, per animal
\$150.00 waiver penalty*, per animal.
- (4) Subsequent Offenses: \$300.00 full penalty, per animal
plus reasonable animal care costs.

* The waiver penalty applies when an alleged violator pays the fine without contesting the violation.

B. The Town may seek injunctive relief in Windsor County Superior Court, including, but not limited to, ordering the violation to cease.

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VII: INCONSISTENT ORDINANCES REPEALED

All ordinances of the Town of Weathersfield, 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.

VIII: 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.

XI: EFFECT

No section of this Ordinance shall be construed to supersede or replace any Vermont statute.

This Ordinance shall be entered in the minutes of the Select Board's meeting, and posted in at least five (5) conspicuous places with the Town of Weathersfield and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the Ordinance is adopted.

This Ordinance will become effective on the fourteenth day of June, 2004, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed with the Town Clerk by the twenty-ninth day of May, 2004, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the Ordinance. Questions about the Ordinance may be directed to the Municipal Offices, Post Office Box 550, Ascutney, Vermont, 05030-0550 or by calling [802] 674-2626.

The foregoing Ordinance is hereby adopted by the Select Board of the Town of Weathersfield, Vermont, this fifteenth day of April, 2004.

	C. Peter Cole, Chairperson
	Henry C. Cobb, Jr., Vice-Chairperson
	Norman John Arrison, Board Clerk
Daniel E. Boyer, Selectperson	Patricia W. Daniels, Selectperson