

ANIMAL CRUELTY ORDINANCE

This ordinance is enacted to protect the welfare of animals in the Town of Whitingham, under authority 24 V.S.A. § 2291 (21). This ordinance shall be known and may be cited as the "Animal Cruelty Ordinance".

SECTION 1: DEFINITIONS:

Consistent with the provisions of 13 V.S.A. Chapter 8 regulating the humane and proper treatment of animals:

- A. **"Animal"** means all living sentient creatures, not human beings. 13 V.S.A. § 351 (1).
- B. **"Commissioner"** shall mean the Commissioner of Agriculture, Food and Markets. 13 V.S.A. 351 (2)
- C. Pursuant to 13 V.S.A. § 352, a person commits '**cruelty to animals**' if the person:
 - 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 over crowded vehicles;
 - 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 pound keeper; officer, agent of a humane society or 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 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 there under.

TOWN OF WHITINGHAM

SECTION 2: LIMITATIONS

This Ordinance shall not apply to:

1. Activities regulated by the department of fish and wildlife pursuant to Part 4 of Title 10 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 section 351 (13) of Title 13 of the Vermont State 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 sections 3809 and 3545 of Title 20 of the Vermont Statutes Annotated.

SECTION 3: CIVIL ENFORCEMENT

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

SECTION 4: ENFORCEMENT OFFICERS

The Selectboard may authorize any or all of the following humane officers to enforce this ordinance:

- A. any law enforcement officer as defined in 23 V.S.A. § 4 (11);
- B. auxiliary state police officers;
- C. deputy game wardens
- D. humane society officers, employees or agents;
- E. local board of health officers or agents; or
- F. any officer authorized to serve criminal process.

SECTION 5: PENALTIES

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

1st offense: fines not to exceed \$100.00 per offense plus reasonable animal care costs;
2nd offense: fines not to exceed \$200.00 per offense plus reasonable animal care costs;
3rd and subsequent offenses: impoundment of the animal(s), fines not to exceed \$300.00 per offense plus animal care costs, and the town may seek injunctive relief in the Superior Court in the County in which the town is located, including but not limited to ordering the violation to cease.

TOWN OF WHITINGHAM

SECTION 6: 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.

SECTION 7: SEVERABILITY

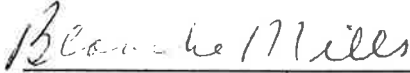
This Ordinance and its various parts, sentences, sections and clauses are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SECTION 8: EFFECTIVE DATE

This Ordinance was adopted by the Selectboard on Wednesday, March 31, 2004, and shall become effective 60 days after this date being May 30, 2004. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

SECTION 9: ADOPTION

Adopted by the Board of Selectmen of the Town of Whitingham on March 31, 2004.



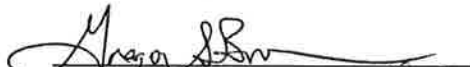
Blanche Mills, Chair



Keith Bronson



Karl Twitchell



Greg Brown



Allan Twitchell