

TOWN OF SHARON, VT

Received for record September 4 A.D. 2024

at 9 o'clock A M. and recorded in

Sharon Town Records, Vol. TR1 Page 160-165

Attest: Catherine Skerton J.C.



Town of Sharon  
Selectboard

Vicious Dog / Domestic Animal Bite Hearing  
Decision with Protective Order

In re: Ziggy

Owner/keeper of dog/domestic pet:

Danielle and Joe Thibodeau of 3549 Fay Brook Road, Sharon, VT

Complainant/victim:

Tom Weir of 1513 Fay Brook Road, Sharon, VT

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves a vicious dog/domestic animal bite complaint pursuant to 20 V.S.A. § 3546 and initiated by Tom Weir. The Selectboard offices received the complaint on July 23<sup>rd</sup>, 2024 via an online complaint form.
2. On July 29<sup>th</sup>, 2024, public notice of this vicious dog/domestic animal bite hearing was posted in or near the town clerk's office and at the Sharon Post Office and the Baxter Memorial Library, given to each member of the Selectboard, and was made available to any person upon request.
3. On July 30<sup>th</sup>, 2024, notice of this vicious dog/domestic animal bite hearing was hand delivered to 3549 Fay Brook Road, Sharon, VT, the primary residence of Danielle and Joe Thibodeau, owners/keepers of Ziggy.
4. On July 30<sup>th</sup>, 2024 notice of this vicious dog/domestic animal bite hearing was hand delivered to Tom Weir.
5. At the opening of the hearing on July 30<sup>th</sup>, 2024 the following Selectboard members were present:
  - a. Kevin Gish, Selectboard Chair
  - b. Scott Henkels, Selectboard Vice Chair

6. At the continuation of the hearing on August 5<sup>th</sup>, 2024, the following Selectboard Members were present:
  - c. Kevin Gish, Selectboard Chair
  - d. Scott Henkels, Selectboard Vice Chair
  - e. Ted Austin, Selectboard Clerk
7. The Selectboard adjourned the public hearing on August 5, 2024 and entered deliberations.

### **RELEVANT EVIDENCE**

During the hearing the following evidence were submitted to the Selectboard:

1. Animal Complaint Form submitted by Tom Weir
2. Notice provided to the Owner submitted by the Town of Sharon
3. Notice provided to the Victim submitted by the Town of Sharon
4. Health Officer Report completed by Keith Lyman, Jr.
5. Animal Control Officer Report completed Jim Armbruster
6. Verbal Testimony provided by the Town of Sharon Animal Control Officer, Jim Armbruster
7. Verbal Testimony provided by Danielle Thibodeau, Ziggy's owner
8. Verbal Testimony provided by Tom Weir, domestic animal bite victim
9. Verbal Testimony provided by Laura Tatro, resident
10. Thibodeau Rabies Vaccination Certificate for Ziggy from Sharon Town Clerk files
11. Rabies Vaccination Certificate submitted by Danielle Thibodeau

### **FINDINGS OF FACT**

1. On Sunday, July 21, 2024 Tom Weir and spouse, Emily, were running within the public right of way on Fay Brook Road in Sharon, Vermont.
2. On that same day, around noon, Tom Weir was bitten by a German Shepherd while in the roadway in front of 3549 Fay Brook Road.
3. Tom Weir received medical treatment at ClearChoiceMD in Lebanon, NH for treatment for the bite wounds on his arm and leg.
4. The Animal Control Officer for the Town of Sharon, Jim Armbruster, called Tom Weir on 7/22/2024 to follow up regarding a suspected dog bite incident

5. The Animal Control Officer contacted the Windsor County Sheriff's Office at 3:47PM on 7/22/2024 and received confirmation that the Town of Sharon is the authority in this matter.
6. The Animal Control Officer contacted Danielle Thibodeau at 3:43PM on 7/23/2024 regarding a report of a dog bite involving an animal located at 3549 Fay Brook Road in Sharon, Vermont.
7. Danielle Thibodeau and Joe Thibodeau are residents of 3549 Fay Brook Road, Sharon Vermont.
8. Ziggy is an unneutered male German Shepherd.
9. Ziggy was not registered with the Town at the time of the incident.
10. Ziggy was last registered with the Town of Sharon via the Town Clerk's Office on 4/12/2022 with a period ending April 1<sup>st</sup>, 2023. At that time, Ziggy was issued Sharon ID Tag #133 with owner/keeper of record shown as Danielle Thibodeau with an address of 3549 Fay Brook Road in Sharon, Vermont.
11. The registration certificate with the Town Clerk's office erroneously shows Ziggy as a female. This is an administrative error made by the Town of Sharon during registration, and not an owner error. The original owner application shows Ziggy as male.
12. Ziggy's rabies certificate indicates that a rabies certificate was issued by a veterinarian with license number 1678 on 03/20/2021.
13. The Animal Control Officer Report indicates the veterinarian associated the license number 1678 is Dr. Christopher Spooner, DVM.
14. Ziggy's rabies certificate, tag #213305, does not indicate if the vaccine was a one-year or three-year vaccination nor does it show the producer of the vaccine but does show an expiration date of 3/20/2024.
15. At the time of the incident, Ziggy's rabies vaccination was expired.
16. On July 22<sup>nd</sup>, 2024, the Town of Sharon Health Officer Keith Lyman, Jr. filed an Animal Bite Form as required by State law.
17. On July 23<sup>rd</sup>, 2024, the Town of Sharon Selectboard received a written animal complaint from Tom Weir.
18. On July 23<sup>rd</sup>, 2024, the Animal Control Officer ordered Ziggy to be confined to 3549 Fay Brook Road for fourteen days, as required by the Town of Sharon Animal Control Ordinance, Article 6(D).
19. Tom Weir was referred for additional medical treatment at Dartmouth Hitchcock Medical Center to receive rabies prophylaxis due to Ziggy's expired rabies vaccination certificate and confirmed dog bite. He then completed the prophylaxis treatment program.
20. The Town of Sharon Animal Control Ordinance was adopted by the Town of Sharon on August 1<sup>st</sup>, 2011 and recorded with the Town Clerk on August 2<sup>nd</sup>, 2011.



## CONCLUSIONS OF LAW

1. Under Vermont State law, 20 VSA §3546(c), “[i]f the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require...”, therefore the Selectboard must first determine whether or not the animal bite was provoked before issuing an order on this matter.
2. By the definition laid out in Article 2 of the Town of Sharon Animal Control Ordinance which defines a vicious animal as “[a]ny animal that nips, bites or otherwise aggressively accosts any person or domestic animal outside of the owner’s or keeper’s private land and premises.”, therefore the Selectboard must decide whether Ziggy meets the criteria for a vicious animal and act accordingly in conjunction with the Animal Control Officer. Per the Town of Sharon Animal Control Ordinance and testimony received, Ziggy is a vicious dog.
3. With regards to public safety and muzzling, Article 7, Section C of the Town of Sharon Animal Control Ordinance states that “[t]he owner or keeper of any dog that has bitten a person without provocation, as determined by the Constable or Animal Control Officer, shall be ordered by the Constable or Animal Control Officer to keep such dog in a muzzle on all occasions *where there is a possibility of contact with the public.*”, therefore muzzling when there is a possibility of contact with the public is required by the Town of Sharon.

Article 6, Section C further states, “[a]ny person aggrieved by such an order may appeal to the Selectboard for a hearing on the merits of such an order.”

4. Unregistered dogs are in violation of the Town of Sharon’s Animal Control Ordinance, and dogs owners are subject to fines which may be administered by the Animal Control Officer. Ziggy and any dogs living at 3549 Fay Brook Road, Sharon Vermont must be registered by September 19<sup>th</sup>, 2024 and every year on or before April 1st each year.
5. The dog owner is determined to be in violation of the following requirements specified in the Sharon Animal Control Ordinance:
  - a. Article 4(A): “All dogs and wolf-hybrids kept within the limits of the Town of Sharon must be vaccinated for rabies by a licensed veterinarian, with a vaccine approved by the Commissioner of Agriculture to provide immunity for domestic dogs.”
  - b. Article 4(C): “Any dog(s) or wolf-hybrid(s) owned, kept, or maintained within the Town of Sharon shall obtain a dog license in the Town of Sharon as provided for by the laws of the State of Vermont.”
  - c. Article 5(B): “It shall be a violation for the keeper of any dogs) or wolf-hybrid(s) to permit or allow an uncontrolled animal to run at large in any road, park, schoolyard or any other public facility.: Such conduct is declared to be a public nuisance.”

- d. Article 6(A): "Any dog(s) or wolf-hybrid(s) that nip, bite or otherwise aggressively accost any person or domestic animal outside of the owner's or keeper's private land and premises, or within an owner's or keeper's private land and premises in an unprovoked attack, shall be considered vicious for the purposes of this ordinance."
- e. Article 6(B): "Any owner or keeper shall be deemed to have violated this ordinance in any instance that the owner's or keeper's dog(s) or wolf-hybrid(s) nips, bites or otherwise aggressively accosts any person or domestic animal outside of the owner's or keeper's private land and premises."
- f. Article 7(A): "The owner or keeper of any dog shall confine within lands owned or controlled by him, every dog, and not take or allow such dog to leave such lands unless such dog is on a leash or under control by verbal command."

#### **DECISION**

Based on the foregoing findings of fact and conclusions of law, the Selectboard finds that the bite was without provocation and, therefore, a protective order is necessary.

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#### **PROTECTIVE ORDER**

Based on the foregoing facts and circumstances, and pursuant to 20 V.S.A. § 3546(c), the Sharon Selectboard hereby orders that the dog named Ziggy owned by Danielle and Joe Thibodeau is to be:

1. Confined: The dog Ziggy shall be physically confined with appropriate fencing or other physical means that prevent escape and Ziggy shall not leave the residence except for veterinary visits or appropriate boarding arrangements. Electric/electronic control does not satisfy this fencing requirement. This requirement is effective for the life of the dog.
2. Muzzled: The dog Ziggy shall be muzzled and leashed at all times when not confined to the property of residence. This requirement is effective for the life of the dog.

In addition, based on the foregoing facts and circumstances, and pursuant to 20 V.S.A. § 3546(c), and the Town of Sharon Animal Control Ordinance, the Town of Sharon Selectboard hereby orders that the dog/domestic pet's owners/keepers, Danielle and Joe Thibodeau:

- a. Ensure that rabies vaccines for Ziggy and all other dogs owned by them are current no later than September 19th, 2024.
- b. Register Ziggy and all other dogs owned by them no later than September 19th, 2024.
- c. Pay all fines assessed by the Sharon Animal Control Officer.



Until such time as completion of the conditions set forth in this order can be satisfactorily verified the dog/domestic pet named Ziggy shall be confined to his home at 3549 Fay Brook Road and shall not leave the property except for veterinary visits.

Failure to comply fully with the conditions set forth in this order shall subject the dog/domestic pet's owner/keeper to the penalties provided for in Title 20 Section 3546 and the Town of Sharon Animal Control Ordinance.

This decision/order was approved by the Town of Sharon Selectboard on September 3<sup>rd</sup>, 2024.

Signed,

Kevin Gish 3 Sep 2024  
Kevin Gish, Selectboard Chair

Scott Henkels 3 SEPT 2024  
Scott Henkels, Selectboard Vice Chair

Ted Austin  
Ted Austin (Sep 3, 2024 23:07 EDT)  
Ted Austin, Selectboard Clerk

**NOTICE:** This decision may be appealed to the Vermont Superior Court Civil Division within 30 days of the date of this decision, pursuant to Rule 75(c) of the Vermont Rules of Civil Procedure.

SHARON TOWN CLERK'S OFFICE  
On the 4<sup>th</sup> Day of September A.D. 2024  
at 9 o'clock and 0 minutes AM  
received for recording a Decision / Animal Control  
of which the foregoing is a true copy.  
A TRUE RECORD:  
Attest: Catherine Berter, J.C.