

TOWN OF EAST MONTPELIER ANIMAL CONTROL ORDINANCE

Section 1. Authority

The Selectboard of East Montpelier, Vermont acting under the authority of 20 VSA Sec. 3549 et. seq. and 24 VSA Sec. 2291 (10) et. seq. hereby adopts and ordains the ordinance regarding certain *animals* in the Town of East Montpelier. Pursuant to 24 VSA Sec. 971 this ordinance is a civil ordinance and shall be enforced in accordance with provision of 24 VSA Sec. 1974 (a) et. seq.

20 V.S.A. Section 3621 and 24 VSA S1971-1972, 2291(10), (14) and (15)

Section 2. Purpose

This ordinance is adopted to protect and preserve the health, safety and general welfare of the citizens of East Montpelier.

Section 3. Persons Covered

This ordinance applies to any person who owns a *dog* or *wolf-hybrid* and/or any person who has actual or constructive possession of a *dog* or *wolf-hybrid*.

Section 4. Definitions

- a. *Animal* means any *dog* or *wolf-hybrid*.
- b. *Dog* means any member of the canine species (CANIS FAMILIARIS).
- c. *Owner* means any person who owns a *dog* or *wolf-hybrid*, and/or any person who has actual or constructive possession of a *dog* or *wolf-hybrid*. The term also includes those persons who provide food and shelter to a *dog* or *wolf-hybrid*.
- d. *Wolf-hybrid* means any *animal* that is the progeny or descendant of a domestic dog and wolf. *Wolf-hybrid* also means any *animal* which is advertised, registered, licensed or otherwise described or represented as a *wolf-hybrid* by its *owner*, or an *animal* which exhibits primary physical and/or behavioral wolf characteristics as described by the rule of the Commissioner of Agriculture.
- e. *Notice* means a written *notice* either delivered or mailed by registered or certified mail, return receipt requested to the *owner's* last known address. Such written NOTICE, if mailed, shall be deemed to have been received by the *owner* at 6:00 p.m. on the first business day after mailing.
- f. *Animal Control Officer* means the person or persons appointed by the Selectboard to police and enforce the Ordinance in cooperation with the appropriate law enforcement agencies.

g. *Officer(s)* means any police officer, game warden, sheriff, constable, the Town Animal Control Officer, the Town pound keeper, or any member of the Selectboard if none of the aforementioned officers are immediately available.

Section 5. Prohibition Against Roaming

An *owner* of an *animal* shall not allow or permit such *animal* to roam. An *animal* is deemed to be roaming at any time when it is not:

1. On a leash, or
2. On or within a vehicle, or
3. On the property of its *owner*, or
4. On the property of another with the consent of that property owner, or
5. Clearly under the verbal or non-verbal command of the *owner*, or
6. Hunting with the *owner*.

Section 6. Prohibition Against Creating a Nuisance

An *owner* of an *animal* shall not allow or permit such *animal* to create a nuisance. The term "nuisance" means any of the following activities:

1. Being on lands other than those of the *animal's owner* without the consent of that property owner, and while there, damages property, threatens or injures any person, animal or livestock.
2. Posing a threat (by barking, snarling, snapping, or biting) to the physical safety of persons using adjacent lands or public right-of-ways.
3. Disturbing the quiet of any person by habitually crying, barking or howling for a continual period of more than 15 minutes, day or night. This section may be acted upon notification in writing by one complainant and one witness by any of the Officers listed in Section 4g. Complainant shall make a reasonable attempt to contact animal owner before contacting the Town.

Section 7. Licensing of *Animal*

Every *animal* within the Town of East Montpelier shall be licensed annually in accordance with Chapter 193 Title 20 of VSA as amended. The *owner* of such *animal* shall cause it to wear a collar, and attached thereto, a license tag issued by the Town Clerk. It is suggested that each *animal* wear a tag stating the name of the *animal*, and the name, phone number and address of the *owner(s)*.

Section 8. Complaint Issuance/Impounding

1. It is the intent of this ordinance to resolve a complaint at the lowest possible level. Where appropriate, the Animal Control Officer shall issue a written warning prior

- to issuance of a formal violation notice and the party(s) encouraged to resolve the problem directly.
2. Upon complaint to the Animal Control Officer or Selectboard by any person about an *animal* that may be roaming or creating a nuisance, the Animal Control Officer will investigate. The Animal Control Officer shall make every effort to contact the *Owner(s)* of *animal/s*. Upon verification of the complaint the *animal* that is deemed to be roaming or creating a nuisance may be impounded by the Animal Control Officer.
 3. Any *animal* so impounded shall be transported to an impounding facility wherein it shall be kept until proof has been provided that such *animal* is currently vaccinated for rabies has been provided and payment of established impounding facility's fees has been submitted to the impounding facility. The *owner* of any *animal* so impounded shall be notified of the impoundment by the Animal Control Officer, provided the *animal* is wearing a reasonable means of identification.
 4. Any *animal* impounded for more than 10 days after receipt of NOTICE by the *owner*, may be delivered to the local chapter of the Humane Society and thereafter subject to its policies and procedures.

Section 9. Penalties

1. This is a civil ordinance. The Selectboard may appoint and from to time to time, as is their pleasure, may remove an Animal Control Officer. The Animal Control Officer shall be an official authorized to issue notices of violation of this ordinance. Any law enforcement officer is also hereby designated as an issuing official who may issue notices of violations of this ordinance.
2. The following civil penalties are hereby imposed for violation of this ordinance:

First violation of this ordinance	\$40
Second violation of this ordinance	\$80
Third and subsequent violations of this ordinance	\$120

The oldest violation shall be deleted from the *owner's* record for the purposes of calculating the foregoing penalties and the waiver set forth if the *owner* completes twelve (12) violation free months.
3. Beginning with the date of the violation notice, each day a violation continues shall constitute a separate violation.
4. In cases where violations of this ordinance were brought to the Judicial Bureau and where the violation is admitted or not contested, in lieu of the above stated penalties, the following waiver penalties are imposed:

First violation of this ordinance	\$36
Second violation of this ordinance	\$72
Third and subsequent violations of this ordinance	\$108

East Montpelier Animal Control Ordinance Amendment
Adopted: March 1, 2010

5. In addition to any other remedy provided in this ordinance or available at law or in equity, the Town Selectboard may institute a cease and desist order to prevent, restrain or abate violation of this ordinance.

Section 9. Other Laws

1. This ordinance is amended and in addition to other ordinances enacted by the Town of East Montpelier.
2. This ordinance shall not be construed, as waiving the Town's right of enforcement with regard to any State statute that regulates the *owner* of an *animal*. This ordinance is in addition to, and not a substitution for any such statutes.

Approved by the Selectboard

Date: March 1, 2010

Robert Cluckering
Geneville
Peter Hill

