

TOWN OF CAVENDISH ANIMAL CONTROL ORDINANCE

Section 1 - PURPOSE

The purpose of this ordinance is to protect the comfort, health, repose, property, safety and general welfare of the citizens of the Town of Cavendish, Vermont. In order to accomplish the foregoing purpose, it is deemed necessary to establish procedures for enforcement and appeal and to establish penalties for violations of this ordinance. All references made to the Town in this ordinance shall refer to the Town of Cavendish. This ordinance is intended to address local animal control issues and specifically does not supercede or negate any State laws or regulations pertaining to domestic pet or wolf-hybrid control.

Section 2 - DUTY OF MAINTENANCE OF PROPERTY AND CONTROL OF A DOMESTIC PET

No person owning, leasing, occupying, camping upon or having control of any premises in the Town and no person owning, keeping, harboring or maintaining Domestic pet(s) or wolf-hybrid(s) shall allow such animal(s) to become or remain a public nuisance as herein defined, or to be kept in violation of this ordinance.

Section 3 - DEFINITIONS

As used in this Ordinance, the terms are defined as follows:

Domestic Pet or Pet: A dog, cat, ferret, or wolf-hybrid as defined in 20 V.S.A. Section 3541.

Dog: A domestic dog or wolf-hybrid as defined in 20 V.S.A., Chapter 193, Section 3541.

Owner: Any person or group of persons who own, harbor, or permit any domestic pet to be or remain in or about building or premises owned or occupied by them.

Animal Control Officer: The Constable or Animal Control Officer appointed by the Legislative Body (Board of Selectmen) to police and enforce this ordinance in cooperation with appropriate law enforcement agencies.

Run At Large: To move about without constraint, control or limitation as to property lines or areas.

Uncontrolled Dog: A dog which is running at large, or which while on any public way or public place, is not under restraint.

Under Restraint: A dog controlled by a leash, or which is "at heel" beside or nearby a competent person and obedient to that person's commands, or is contained within a vehicle.

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Humane Disposal: (a) Humane euthanasia by a licensed veterinarian, or (b) sold or given away to a responsible person.

Feral Cat: A wild, formerly domesticated or non-domesticated cat

Section 4 - LICENSING AND VACCINATION OF DOMESTIC PETS

A. DOGS:

1. It shall be the duty of every person within the Town owning, keeping or harboring any dog over 6 months of age to procure a license therefore, in accordance with Chapter 193, Title 20 of the Vermont Statutes as amended. This section shall also pertain to wolf-hybrids as required by 20 V.S.A. Chapter 193.

2. In order that it is readily apparent that a dog has been vaccinated against rabies, an owner or person otherwise in control of a dog within Town limits shall be responsible to insure that whenever such dog is off the premises of the owner, a collar or harness is securely fastened on such dog and that the current license tag issued by the Town is attached thereto.

B. CATS:

It shall be the duty of every person within the Town who owns, keeps or harbors any cat over 6 months of age to see that the cat is vaccinated against rabies as required in Title 20 V.S.A. Section 3581 a. The owner or person in control of a cat within the Town shall produce, upon request of the Animal Control Officer, Health Officer or Constable, proof that such cat is vaccinated against rabies. If the cat is a feral cat, as defined in Section 3581 a of 20 V.S.A., the person shall give an affidavit that the cat has been inoculated against rabies.

Section 5 - FEES

The Town may charge a fee for domestic pet licenses, as authorized by 20 V.S.A. Chapter 193 and may be set from time to time by the Selectboard.

Section 6 - ANIMAL CONTROL OFFICER, DUTIES GENERALLY

1. The Legislative Body may designate a person to act as Animal Control Officer to enforce the provisions of this Ordinance. In the absence of a regularly appointed Animal Control Officer, the Town Manager may make a temporary appointment of a person to fulfill the Animal Control Officer's duties during such absence or vacancy. It shall be the duty of the Animal Control Officer to investigate complaints of domestic pet nuisances and to enforce the provisions of this Ordinance. The Town Manager may also designate the names of persons and their locations to receive animals for confinement under terms of this Ordinance.

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2. The Animal Control officer is hereby authorized and empowered to obtain warrants per 20 VSA §3551 to enter onto private lands, seize and impound animals and to take all reasonable and necessary measures to abate a violation as herein defined.

Section 7 - VIOLATIONS

1. Any pet which becomes or remains a public nuisance as herein defined shall be in violation of this Ordinance and may be impounded and the owner of any such pet, if such she or he can be identified, may be found guilty of a violation of this Ordinance and subject to the penalties hereinafter provided.

2. Violations:

A. A pet which has not been vaccinated against rabies as required in 20 V.S.A. Section 3581 a , or

B. A dog which has not been licensed in accordance with 20 V.S.A. Chapter 193, and as amended, or;

C. A pet which bites a person, or;

D. A pet kept or maintained contrary to the conditions of a lawful order issued by the Selectboard under another Section of this Ordinance, or;

E. A dog which runs at large and which is uncontrolled while on a public way or public place within the Town of Cavendish, specifically including the village areas. Nothing in this Ordinance shall be construed to require the leashing of a dog while on the property of another by permission, or to restrict the use of dogs for lawful hunting, or;

F. A dog which runs at large and does not have a current license tag affixed to a collar or harness or;

G. A dog which runs at large and repeatedly causes damage to the property of anyone other than its owner, including, but not limited to, turning over garbage containers or doing damage to gardens, flowers, shrubs or vegetables, or injuring or worrying domestic animals and pets, or;

H. A dog which runs at large and habitually or repeatedly chases, and/or snaps at pedestrians, joggers, pets walked on a leash, bicyclists, vehicles, or horse riders or drivers.

I. A dog which repeatedly, continuously or habitually barks, whines or howls, in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or,

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J. A female dog while in an estrous cycle not confined in a building or on a leash at all times so that she cannot create a nuisance by attracting other dogs. Nothing in this section shall be construed to prohibit the intentional breeding of animals within an enclosed area.

Section 8 - ENFORCEMENT AND PENALTIES

A. When a pet is found to be in violation of this Ordinance, the Animal Control Officer may:

1. Issue a verbal warning to the owner, or;
2. Issue a written warning to the owner and file a copy with the Town Clerk, or;
3. Issue a Notice of Fine in the amount of \$50.00 to the owner and file a copy with the Town Clerk. The owner must pay the fine in full within 21 days or file a written appeal with the Town Clerk in accordance with subsection 8(C), or;
4. Impound the pet in accordance with section 9 of this Ordinance, or;

B. For violations of Section 7 as listed and as provided in 20 V.S.A. 3550, the Animal Control officer may file a Notice of Alleged Violation with the owner and the Selectboard. The Selectboard may, after due deliberation, impose a civil penalty of up to \$500.00 and issue a directive that the owner take actions necessary to achieve compliance with the law.

C. As provided in 20 V.S.A. 3550, a person who receives a Notice of Fine or a Notice of Alleged Violation shall be offered an opportunity, in the notice, for a hearing before the Selectboard, provided that a written request for a hearing is filed with the Town Clerk no later than 21 days after the date of the Notice of Fine or Notice of Alleged Violation. If the owner does not request a hearing in a timely fashion, the decision shall be final and the penalty shall be payable within 35 days following the receipt of the Notice.

Section 9 - IMPOUNDMENT

1. The Animal Control Officer is authorized to confine or impound any pet when:

- A. A collar or harness and the current license tag is not attached to the pet and the pet has an unknown history of rabies vaccination, or;
- B. The pet has been running at large in violation of this Ordinance, or;
- C. The pet is suspected of having been exposed to rabies, or;
- D. The pet is believed to have been attacked by another animal which may be rabid, or;

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E. The pet has been attacked by a wild animal.

2. Any pet which is considered a rabies suspect shall be managed in accordance with rules adopted by the Vermont Department of Health.

3. In the event that a pet is confined or impounded under this section, the owner, if known, shall be notified within 24 hours. Notification may be accomplished by in-person communication, by telephone call, or by written statement sent to the last known address of the owner. If the owner's address is not known, notification may be posted in the Municipal Clerk's Office and other usual places for public notice for one week.

4. If the pet is unclaimed within 10 days of the notification of the owner or within 10 days of posting, the Animal Control officer may dispose or cause the disposal of the pet in a humane manner.

5. If the unclaimed pet has been disposed of, the owner shall be liable for all reasonable costs incurred by the Town.

6. Impounded pets will **not** be released until all necessary licenses and vaccinations are pre-paid and arranged and all other fees associated with the impoundment are paid in full. The owner must file the vaccination certificate and complete the registration process within two (2) business days of the release of the animal from impoundment.

Section 10 - INVESTIGATION OF VICIOUS PETS

1. When a domestic pet has bitten a person while the pet is off the premises of the owner or keeper (or has bitten a person who is on a public way over the premises of the owner or keeper), and the person bitten requires professional medical attention for the bite, such person may file a written complaint with the Selectboard. The complaint shall contain all available information regarding the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation required by sub-section (2).

2. The Selectboard, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the pet which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of the hearing and the fact of the complaint.

3. If the pet is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the pet is disposed of in a humane manner, muzzled, chained or confined. The order shall be sent to the owner by certified mail, return receipt requested. A person who, after receiving notice fails to comply with the terms of the order shall be subject to penalties provided in section 8(B) of this Ordinance.

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4. The procedures provided in this section shall only apply if the pet is not a rabies suspect. If a member of the Selectboard or a municipal official designated by the Selectboard determines that the animal is a rabies suspect, the provisions of 20 V.S.A. subchapter 5 and the rules promulgated by the Vermont Department of Health shall apply.

Section 11 - MANAGEMENT OF BITING ANIMALS, RABIES SUSPECT ANIMALS, AND RABIES EXPOSED ANIMALS

1. Domestic pets which have bitten a person, or have been exposed to rabies or are suspected of being infected with rabies shall be managed in accordance with 20 V.S.A. and Rules adopted by the Vermont Department of Health.
2. All reasonable costs associated with the management of a biting animal, rabies suspect animal, or rabies exposed animal shall be borne by the owner.

Section 12 - ABUSE OF DOMESTIC PETS OR WOLF-HYBRIDS

1. CRUELTY - Any person who shall torture, torment, cruelly beat, needlessly mutilate or kill or cruelly neglect to provide with necessary sustenance or shelter; or who causes or procures to torture, torment, cruelly beat, needlessly mutilate or kill or cruelly neglect to provide with necessary sustenance or shelter, any domestic pet or wolf-hybrid may be found guilty of a violation of this ordinance.
2. POISONING - Any person who shall poison any domestic pet or wolf-hybrid or who distributes poison in any manner whatsoever with the intent or purpose of poisoning any domestic pet or hybrid may be found guilty of a violation of this ordinance.

Section 13 - SEPARABILITY

Each separate provision of this ordinance shall be deemed independent of all other provisions of this Ordinance and, if any provisions of this ordinance should be declared invalid in a court of law, all other provisions of this Ordinance shall remain valid and enforceable.

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This Animal Control Ordinance is adopted this 18th day of May, 1999
at Cavendish, Vermont
by the Cavendish Board of Selectmen

Sandra F. Stearns, Chairman

Daniel W. Churchill
Daniel W. Churchill

Wayne R. Gilcris
Wayne R. Gilcris

Robert W. Glidden
Robert W. Glidden

Ruth W. Gabranski
Ruth W. Gabranski

Received for Record May 19 A.D., 1999 at 6:25 P.M.

Attest: Jane S. Pixley Town Clerk
Jane S. Pixley

