

## ANIMAL CONTROL ORDINANCE

**SECTION 1. PURPOSE.** It is the purpose of this ordinance to protect the health, safety and welfare of the inhabitants of the municipality by regulating animals, including the keeping of domestic pets and wolf-hybrids, and to provide for their leashing, muzzling, restraint, impoundment and destruction and their running at large.

**SECTION 2. AUTHORITY.** This ordinance is adopted by the Selectboard of the Town of Greensboro pursuant to the authority of 20 V.S.A. § 3549; 24 V.S.A. § 2291; and 24 V.S.A. Chapter 59.

**SECTION 3. DEFINITIONS.** For purposes of this ordinance, the following words and/or phrases shall apply:

A. "Animal" means every species of Kingdom Animalia, excluding human beings. "Animal" shall include, but is not limited to "Dog," "Domestic Pet," "Domestic Animal," and "Domestic fowl" as defined below.

B. "Dog" means any member of the canine species. For purposes of this ordinance, this term, wherever used, shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.

C. "Domestic pet" or "pet" means any domestic dogs, domestic cats, and ferrets. The term shall also include such other domestic animals as the Secretary shall establish by rule, provided that the Secretary finds that the animal has the potential to become an imminent danger to public health or welfare if not subjected to the provisions of 20 V.S.A. § 3541.

D. "Domestic Animal" means those animals defined by 6 V.S.A. §1151 (2), as being all domestic livestock, including, but not limited to, cattle, sheep, goats, equines, fallow deer, American bison, swine, poultry, psittacine birds, ferrets, camellids, reptiles and amphibians. Specific categorical definitions are found in 6 V.S.A. §1151.

E. "Domestic fowl" or "poultry" means all domesticated birds of all ages that may be used as human food, or which produce eggs that may be used as human food excluding those birds protected by 10 V.S.A. part 4.

F. "Enforcement Officer" or "Officer" or "Dog Warden" or "Animal Control Officer" means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard.

G. "Keeper" means any person other than the Owner that has the possession and control of any "animal,".

H. "Owner" means any person who owns an "animal," and includes any person who has actual or constructive possession of the animal. The term also includes those persons who provide feed or shelter to an "animal".

I. "Potentially vicious animal" means an "animal" running at large that inflicts minor injuries on a person not necessitating medical attention; chases, threatens to attack or attacks another domestic pet or animal as defined in 20 V.S.A. § 3541; causes damage to personal property; chases a person; or causes any person to reasonably fear attack or bodily injury from such "animal" This definition shall not apply if the "animal" was protecting or defending itself, its offspring, another animal or a person from attack or assault or the person attacked or threatened by the domestic pet was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the "animal".

J. "Public Nuisance" means any continuing or often repeated act, omission, condition, or conduct which endangers the life, health, or property, or which unreasonably annoys, injures, disturbs, or intrudes upon the free use and comfortable enjoyment of private and public lands in the Town of Greensboro, provided, however, such nuisance is specifically enumerated or defined in this Ordinance.

K. "Running at large" means that an "animal" is not:

1. on a leash;
2. in a vehicle;
3. on the owner's premises;
4. on the premises of another person with that person's permission;
5. clearly under the verbal or non-verbal control of the owner; provided the animal is within 100 feet of the owner, or
6. hunting with the owner: .provided however hunting dogs shall not be released on posted land without the written permission. signed and dated, of the owner which permission must be renewed annually to remain effective.

L. "Town Pound" shall mean a pound designated by the Selectboard whether or not operated by the Town and whether or not within the Town limits.

M. "Wolf-hybrid" means an animal that is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*). "Wolf-hybrid" also means an animal that is advertised, registered, licensed, or otherwise described or represented as a wolf-hybrid by its owner or an animal that exhibits primary physical and behavioral wolf characteristics.

N. "Working farm dog" means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to State law.

**SECTION 4. NUISANCES.** An owner of an “animal” shall not allow, permit, or suffer such “animal” to create a nuisance. The following activities shall be deemed nuisances:

A. An “animal” that is repeatedly running at large in the Town, with the exception of a “working farm dog” if the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.

B. A female “animal” in heat not confined to a building or other secured enclosure, except while under the direct control of the owner;

C. An animal whose owner should reasonably anticipate that said animal will be entering upon another's property, which property has been posted, and who has not first obtained the property owner's permission for said animal to enter that property. Additionally, in the case of dogs being trained to hunt or hunting, the dog's owner must also present the owner of any property with a copy of the permit and/or license required by the regulations of the Vermont Department of Fish & Wildlife for such activity prior to any entry on the owner’s property.

D. An animal that repeatedly disturbs the rights of, threatens the safety of, or injures a member of the general public, or substantially interferes with the ordinary use and enjoyment of their property;

E. An animal repeatedly allowed or permitted to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damage to gardens, flowers or vegetables, or defecating upon the property of another, or injury to or worrying domestic animals and pets;

F. Animals maintained in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare, or safety or which substantially increases the probability of transmission of disease;

G. An animal that is diseased and dangerous to the public health;

H. A “dog,” or “wolf-hybrid,” that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 45 minutes or more. This regulation shall not apply to “working farm dogs” or dogs in a kennel/boarding facility which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel / boarding facility.

I. An animal kept or maintained contrary to the conditions of a lawful order issued by the selectboard under Section IX of this Ordinance.

**SECTION 5. COLLAR AND LICENSE.** Each dog shall be licensed according to the laws of this State and shall wear a collar or harness with the current license attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog that is found without a collar or harness and license shall be immediately impounded.

**SECTION 6. AUTHORITY.** The Animal Control Officer is hereby authorized and empowered to enter onto private lands, seize and impound animals and take all reasonable and necessary measures to abate public nuisances.

**SECTION 7. ENFORCEMENT.** The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Caledonia County Superior Court, at the election of the "Enforcement Officer".

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, the animal control officer, or some other "enforcement officer" shall be the designated enforcement officer(s). The enforcement officer shall issue tickets and may be the appearing officer at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Greensboro may pursue all appropriate injunctive relief.

**SECTION 8. PENALTIES AND COSTS.**

A. First offense: Warning letter from the town identifying breach of ordinance and clarifying schedule of penalties and costs.

B. Second offense: \$100.00 full penalty/\$50.00 waiver penalty.

C. Third offense: Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$150.00 full penalty/\$75.00 waiver penalty.

D. Subsequent offenses Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$200.00 full penalty/\$100.00 waiver penalty.

E. For purposes of determining the sequence of offenses, second and third offenses shall be those that occur within the 12-month period of the anniversary day of the first offense. Any offense occurring after this 12-month period shall be considered a new first offense.

F. Any owner whose "animal," has been impounded for its initial third offense shall provide the Selectboard with proof of satisfactory completion of a responsible domestic pet owner training course pre-approved by the Selectboard within 6 months of the anniversary date of impoundment. Failure to provide such certification may result in forfeiture of the offending animal.

G. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.?

H. Impoundment costs and pre-approved responsible owner training programs shall be set annually by the Selectboard.

## **SECTION 9. IMPOUNDMENT.**

A. Any “animal” that is determined by the Animal Control Officer to be potentially vicious, which presents an imminent danger to people or other animals, has reportedly bitten a person off the premises of its owner, or is in violation of this Ordinance, State licensing law or 20 V.S.A. § 3806 may be immediately impounded.

B. A person claiming an “animal” is a “potentially vicious animal” may file a written complaint with the Selectboard. The complaint shall contain the time, date and place where the alleged behavior occurred, an identification of the “domestic pet” or “animal” threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the selectboard in conducting its hearing.

C. Upon receipt of a “potentially vicious animal” complaint the selectboard shall proceed as in the case of a “vicious animal” complaint with the exception that if the selectboard determines that the behavior classifies the domestic pets "potentially vicious" the selectboard may order any protective measures be taken absent the domestic pet or animal being humanely destroyed.

## **SECTION 10. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.**

A. The officer who impounds an “animal” shall, within twenty-four (24) hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the “animal” and the steps that are necessary to have it returned to the owner.

B. If the owner of the “animal” is unknown, the officer who impounds a domestic pet shall, within twenty four (24) hours of impoundment post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) day period. The public notice shall include a description of the “animal” including any significant marks of identification, when and where it was impounded or found by the person placing the “animal” in the town's custody, and declare that unless the owner claims the domestic pet and pays all expenses incurred by the town for treatment, boarding and care of the “animal” any applicable penalties and takes all necessary remedial action within ten (10) days following posting, the town may place the “animal” in an adoptive home, transfer it to a humane society or rescue organization. If the “animal” cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

C. Impounded “animals” shall be released to the owner only after payment of all penalties and impoundment fees (including but not limited to boarding, food, and veterinary expenses), the final disposition of a “potentially vicious animal” or “vicious animal” hearing if applicable, and after all necessary remedial action is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license, and verification of certification of current vaccination against rabies.

If the owner of an “animal” impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the “animal” release within ten (10) days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of

forfeiture of ownership before that time, the “animal” may be placed in an adoptive home, transferred to a humane society or rescue organization, or if the town is unable to transfer the “animal” it may be humanely destroyed. The owner of a “animal” transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the domestic pet for the duration of its impoundment and any expenses associated with its transfer or humane disposal.

D. The procedures provided in this section shall only apply if the “animal” is not a rabies suspect. If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the “animal” is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the rules of the Vermont Department of Health.

## **SECTION 10. INVESTIGATION OF VICIOUS ANIMALS, DOMESTIC ANIMALS, DOMESTIC PETS, DOMESTIC FOWL, DOGS, OR WOLF-HYBRIDS .**

A. When an “animal” has bitten a person while the “animal” is off the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard of the municipality. The complaint shall contain 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.

B. The Selectboard, within seven (7) days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the “animal” 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 hearing and a copy of the complaint. If the “animal” 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 “animal” is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550, and in this Ordinance.

C. The procedures provided in this section shall only apply if “animal” 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 Subchapter 5 of Title 20 Chapter 193 and the rules of the Vermont Department of Health shall apply. If the “animal” is deemed healthy, the terms and conditions set forth in the Selectboard's order shall be enforced.

## **SECTION 11. APPEALS**

A. **ACTIONS OF THE ANIMAL CONTROL OFFICER.** Any owner or keeper of an “animal” found to be in violation of this Ordinance by the Animal Control Officer may appeal to the Selectboard any action, findings, impoundment charges, or boarding fees by filing written notification to the Town Clerk within seven (7) business days following the payment of any such charges, fees or fines.

The Selectboard shall convene a hearing on the appeal in accordance with the procedures under Section \_\_\_ of the Ordinance. The Selectboard, after notice and hearing, may determine to affirm or reverse any or all findings, actions, charges, fees or fines, and may direct the Town Treasurer to return any amounts paid as deemed appropriate.

**B. ACTIONS OF THE SELECTBOARD** Any owner or keeper of an "animal" found in violation of this Ordinance may appeal any decision, order, action or finding of the Selectboard to the Orleans County Superior Court. Any appeal from the decision of the Selectboard under this Ordinance shall be filed within thirty (30) days of the rendering of such decision.

**SECTION 12. OTHER LAWS.** This ordinance is in addition to all other ordinances of the Town of Greensboro and all applicable laws of the State of Vermont. 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 13. SEVERABILITY.** If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

**SECTION 14. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Town of Greensboro selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 10th day of October, 2018.

SIGNATURES

*Susan Wood*  
*Polina Roman*  
*Michelle Squire*

*Mark Madala*  
*Andy Ken*

DATE

Adoption History

1. Agenda item at regular Selectboard meeting held on \_\_\_\_\_.

Read and approved at regular/special Selectboard meeting on \_\_\_\_\_ and entered in the minutes of that meeting which were approved on \_\_\_\_\_.

2. Posted in public places on \_\_\_\_\_.

3. Notice of adoption published in the \_\_\_\_\_ newspaper on \_\_\_\_\_ with a notice of the right to petition.

4. Other \_\_\_\_\_ actions [petitions, \_\_\_\_\_ etc.]

