

Town of Castleton
ANIMAL CONTROL ORDINANCE

The Select Board of the Town of Castleton, in the County of Rutland, State of Vermont, acting under the authority of 24 VSA Section 2291 (10), (14), and (15), and Section 1972a, and 20 VSA Section 3549 et seq., hereby adopt this ordinance regulating household and domestic animals in the Town of Castleton. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA Section 1974a and Section 1977 et seq.

ARTICLE 1
Purpose

1.1 It is the purpose of this ordinance to regulate the keeping of domestic pets, domestic animals and wolf-hybrids and their running at large in order to protect the health, safety, property and welfare of the citizens of the Town of Castleton.

ARTICLE 2
Definitions

For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. The word “shall” is to be construed as mandatory and not merely as directory.

2.1 DOMESTIC PET or PET shall mean any domestic dog, domestic cat or European ferret (*Mustela putorius furo*), as defined in 20 VSA Section 3541.

2.2 WOLF-HYBRID shall mean 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.

2.3 DOMESTIC ANIMAL shall mean those animals defined by 6 VSA Section 1151(2) as follows: rabbits, cattle, sheep, goats, equines, fallow deer, red deer, reindeer, American bison, swine, poultry, Pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas and emus), reptiles and amphibians.

2.4 OWNER shall mean any person possessing, or having the care and custody of, or harboring, a domestic pet, domestic animal or wolf-hybrid. The term shall include any person who has actual or constructive possession of the domestic pet, domestic animal or wolf-hybrid, and any person who provides feed or shelter to a domestic pet, domestic animal or wolf-hybrid.

2.5 PERSON shall mean any individual, institution, public or private corporation, partnership or other legal entity.

2.6 ENFORCEMENT OFFICER shall mean any Constable, Police Officer, Sheriff or Deputy Sheriff or Deputy Sheriff, State Police Officer, Game Warden or any other law enforcement officer appointed Enforcement Officer by the Select Board to enforce the provisions of this ordinance.

2.7 FIERCE, DANGEROUS or VICIOUS DOMESTIC PET OR ANIMAL shall mean any domestic pet or animal which: (1) while off the premises of the owner, attacks any person or other domestic pet or domestic animal or causes any person to reasonably fear an attack or bodily injury from such animal; or (2) has been determined by the Select Board or any Enforcement Officer to be a threat to the health, safety and welfare of people, pets, domestic animals or wolf-hybrids; or (3) is infected or suspected of being infected with rabies or another threatening disease; or (4) is found wounding, killing or worrying another domestic pet, wolf-hybrid, or domestic animal or fowl. Fierce, dangerous or vicious domestic pet or animal shall also mean any wolf-hybrid which is not being confined within a proper enclosure as required by Section 3.4 of this ordinance or which, when outside of its enclosure, is not either in a cage or on a leash and under control.

2.8 AT LARGE shall mean off the premises of the owner or not in the presence of and under the control of the owner, a member of the owner's immediate family, or an agent of the owner.

2.9 UNDER CONTROL shall mean that at all times the domestic pet, domestic animal or wolf-hybrid is prevented from causing injury, damage, disturbance and annoyance, and shall also mean the following:

a. A domestic pet or domestic animal on a public road within an Animal Control Area is considered under control if it is on a leash.

b. A domestic pet or domestic animal on a public road outside an Animal Control Area is considered under control if it is either on a leash or in the presence of a person and obedient to that person's commands and is not causing a danger or nuisance.

c. A wolf-hybrid is considered under control if, while outside of the enclosure required in Section 3.4 of this ordinance, it is either in a cage or on a leash, and not causing a danger or nuisance.

Exception. Nothing in this ordinance shall be construed to require: (1) the control of cats; (2) the control of any domestic pet or domestic animal while it is on private property by permission of the property owner.

2.10 ANIMAL CONTROL AREA shall mean the following public roads on which animals being walked must be restrained on a leash.

Areas are as follows:

- a. Route 4A from East Hubbardton Road to Cemetery Road
- b. Cemetery Road north from Route 4A to and including Brown Farm Road
- c. North Road from Route 4A to Brown Farm Road
- d. South Street from Route 4A to Staso Road
- e. Hillside Cemetery

2.11 LEASH shall mean a strap, rope, chain or other linear device which: (1) is firmly attached to an animal's collar or harness; (2) is of sufficient strength to restrain the animal without breaking; and (3) is of no more than eight feet in length.

2.12 POUND shall mean any kennel, pound or other facility for holding or housing animals, which is designated by the Selectboard or an enforcement officer, regardless of whether such facility is operated by the Town or located within Town limits.

ARTICLE 3

Licensing, Immunization and Keeping

3.1 License Required. All owners of dogs and wolf-hybrids shall be required annually to register and license each animal in the manner prescribed by the Town and pursuant to applicable State statute (including the provisions of 20 V.S.A. Chapter 193). The registration and licensing deadline is April 1st of each year.

3.2 Rabies Vaccination Required. In addition to any other licensing requirements pursuant to State statute, all dog and wolf-hybrid owners shall be required to demonstrate proof of current rabies vaccination as a prerequisite to obtaining a license.

3.3 License Tag to Be Worn. All owners of dogs and wolf-hybrids aged six months or older shall be required to attach a collar or harness to any dog or wolf-hybrid that may be off the premises of the owner. The current license tag must be attached to the collar or harness. Any animal which is visiting from out of state must wear a collar or harness with a current license from its home state attached.

3.4 Keeping of Wolf-Hybrids. Except when in a cage or on a leash, and under control, and not causing a danger or nuisance, a wolf-hybrid shall be confined within a proper enclosure that shall consist, at a minimum, of the following: (1) a locked fence or structure of sufficient height and sufficient depth into the ground to prevent the entry of children and to prevent the animal from escaping; (2) an eight-foot high chain link fence with a two-foot overhang and either a chain link apron, concrete apron or asphalt apron to prevent digging out; and (3) a catch pen to avoid escape and to ease veterinary care.

ARTICLE 4

Violations

A domestic pet, domestic animal or wolf-hybrid in the following circumstances is hereby declared to be in violation of this ordinance.

4.1 Except when on its owner's property, the dog or wolf-hybrid aged six months or older is not wearing a collar or harness with currently valid license tag and currently valid rabies vaccination tag attached.

4.2 The domestic pet (except domestic cat), domestic animal or wolf-hybrid is at large.**4.3**
The domestic pet, domestic animal or wolf-hybrid is a fierce, dangerous or vicious animal as determined by an Enforcement Officer or by the Select Board.

4.4 The domestic pet, domestic animal or wolf-hybrid is being kept or maintained in a manner contrary to generally accepted humane standards.

4.5 The domestic pet, domestic animal or wolf-hybrid is causing damage to the property of anyone other than its owner.

4.6 The domestic pet, domestic animal or wolf-hybrid is barking, whining, calling, howling or otherwise making noise that disturbs the peace of any person other than its owner.

4.7 The domestic pet (excepting cats), domestic animal or wolf-hybrid is within an Animal Control Area and not under control and on a leash, or is outside an Animal Control Area and not under control.

4.8 The domestic pet (excepting cats), domestic animal or wolf-hybrid, while off the premises of its owner, attacks other animals or people, harasses people, animals or passing vehicles, or trespasses on school grounds.

4.9 A female dog or wolf-hybrid in heat that is not confined to a building or other secured enclosure, except while under the direct control of the owner.

4.10 A person in control of a domestic pet (excepting cats), domestic animal or wolf-hybrid in a public area or on the private property of another person who does not immediately remove the fecal material of the animal and dispose of it in a sanitary manner.

ARTICLE 5

Enforcement

5.1 An Enforcement Officer may apprehend an animal found to be in violation of any provision of this ordinance or referenced State statute (including, but not limited to 20 V.S.A. Chapter 193), and may confine or impound such animal.

5.2 An Enforcement Officer may confine or impound any animal suspected of being rabid or of having been exposed to rabies. The owner or keeper of any such animal, which has been confined or impounded for the purpose of rabies testing or which has been euthanized for the disease, shall be responsible for all costs associated with said confinement, impoundment, euthanization and rabies testing.

5.3 An enforcement action may commence on direct knowledge of an Enforcement Officer or on a written or oral complaint. At a minimum, a complaint shall set forth the following: (1) the name, address and telephone number of the person(s) filing the complaint; (2) a description of the offending animal, including size, color, and any distinguishing characteristics noted; and (3) the circumstances that constitute the alleged violation, including dates, times, places and the nature of the activity constituting the alleged violation. In addition, complainant shall identify the owner of the animal that is subject of the complaint, if known, and shall identify any steps taken prior to filing the complaint to resolve the problem. Prior to taking an enforcement action, the Enforcement Officer shall make a determination that, based on the complaint as filed, a violation of this ordinance or referenced State statute has occurred. If from the complaint as filed it cannot be determined that such a violation has occurred, the Select Board may, but is not required to, elect to hold a hearing on the matter. If a hearing is to be held, the complainant and the owner of the animal shall be given prior written notice in the form set forth in Paragraph 5.6 of this ordinance within three business days of the hearing and shall be given an opportunity to be heard. If no action is to be taken, the complainant(s) and owner(s) shall be so advised. If the Select Board determines that a violation has occurred, the Select Board or the Enforcement Officer may take any of the actions set forth in Paragraph 5.5 of this ordinance in addition to its authority under state statute.

5.4 When enforcing the provisions of this ordinance, an Enforcement Officer may apprehend an animal found on public or private property, including the property of the animal's owner. Prior to entering upon private property, however, the Enforcement Officer shall make a reasonable attempt to obtain permission from the property owner or occupant. If such permission is not granted, the Enforcement Officer will proceed to obtain a search warrant prior to entering upon private property, unless exigent circumstances as defined by law otherwise exist.

5.5 When a domestic pet, domestic animal or wolf-hybrid is determined to be in violation of this ordinance, an Enforcement Officer may take one or more of the following actions: (1) issue a verbal or written warning to the owner; (2) serve the owner with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, by which time limit the owner shall have permanently ceased all activities constituting the violation and corrected all violations; (3) issue a Municipal Complaint (ticket) per the provisions of 24 VSA 1974a and 1977 et seq.; (4) confine or impound the animal.

5.6 Not later than two days after the impoundment of any animal pursuant to this ordinance, written notice shall be mailed to the owner by U.S. mail, first class, postage paid, or, if the owner is unknown, written notice shall be posted for at least seven days at three or more conspicuous places in the Town describing the impounded animal and the place and time of taking. Notification of owner in person or by telephone shall preclude the necessity of written notification. Such notice shall describe the animal, provide the date of impoundment, state the nature of the violation, provide the location of the animal and the steps which are necessary to have the animal returned to the owner (including that the owner or person entitled to possession of the impounded animal may reclaim it upon payment of such fees as may be due for impoundment, penalties, license, rabies vaccination or testing, or any other expenses incurred by reason of the violation). The reclamation of the animal and payment of fees as described herein

shall be made within seven days of notice to the owner or posting of notice (if the owner is unknown) as provided herein or the animal may be sold, given away or destroyed in a humane manner.

5.7 The keeper of the pound shall keep all animals impounded pursuant to this ordinance for a period of at least seven days. An exception shall be an animal found to be rabid, in which case the animal will be managed and disposed of in accordance with the provisions of Title 20, Sections 3806 & 3807. If, at the expiration of seven days from the date of notice to the owner or from the first day of posting a notice, an impounded animal has not been redeemed, it may be sold, given away or destroyed in a humane manner.

5.8 This ordinance is designated as a civil ordinance pursuant to 24 VSA Section 1971b. For the purpose of enforcement of this ordinance, the issuing officials are any of the class of Enforcement Officer as defined herein. In addition, the Select Board may elect to enforce any order issued under this ordinance, or to prohibit any acts in violation of this ordinance, by petition for injunctive relief as set forth, and such authorized relief shall not preclude enforcement by means of any other enforcement mechanism under this ordinance.

ARTICLE 6

Penalties

6.1 An Enforcement Officer may impose a fine upon the owner of an animal found in violation of this ordinance as an alternative to, or in addition to, impoundment.

6.2 An owner found in violation of this ordinance may be fined not more than \$500.00 in accordance with the following schedule of fines. These fines are in addition to the expenses of impoundment, if any, and all other lawful charges. Specified waiver fines may be paid in lieu of court appearance.

	<u>Judgment Fine</u>	<u>Waiver Fine</u>
First Offense	\$ 150.00	\$ 35.00
Second Offense	\$ 300.00	\$ 70.00
Third Offense	\$ 450.00	\$105.00
Subsequent Offenses	\$ 500.00	None

6.3 The Select Board is hereby empowered to adjust penalties provided for in this Article by appropriate resolution. The Select Board may make such adjustment as it deems appropriate and necessary from time to time. Any such resolution shall be attached to this ordinance, as filed, and copies shall be made available with copies of this ordinance.

ARTICLE 7

Severability

7.1 Any part or provision of this ordinance shall be considered severable, and should any part or provision be found invalid by any court of competent jurisdiction, such finding shall not invalidate any other part or provision of this ordinance.

ARTICLE 8
Inconsistent Repeal

8.1 All ordinances or parts of ordinances, resolutions, regulations, or other documents promulgated by the Town of Castleton prior to the date of this ordinance and inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

ARTICLE 9

9.1 This ordinance is in addition to all other ordinances of the Town of Castleton and all applicable laws of the State of Vermont.

ARTICLE 10
Effective Date

10.1 This ordinance shall be in full force and effective sixty days from the date of its adoption unless an appeal is filed pursuant to 24 VSA Section 1973, in which case the effective date shall be as governed by 24 VSA Section 1973e.

Adopted by the Select Board this **25th** day of **March 2002**.
Effective: **May 24, 2002**

Amended by the Select Board March 17, 2003
Effective: May 23, 2003

Amended by Select Board this 28th day of October 2019.
Effective: December 27, 2019