



Town of Proctor

Animal Control Ordinance

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Animal Control Ordinance Table of Contents**

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Authority and Purpose

Under the authority granted in 20 V.S.A. §3549, 24 V.S.A. §§2291 (10) and 2291 (14&15), and 24 V.S.A. Chapter 59, the Town of Proctor Selectboard hereby adopts the following civil Ordinance regulating the keeping of domestic animals, domestic pets, or wolf-hybrids within the Town of Proctor.

Article I – General Provisions

- Sec. 1 All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the “Animal Control Ordinance” hereinafter sometimes referred to as the “Ordinance”.
- Sec. 2 The Town of Proctor Clerk shall file certified copies of this Ordinance, as well as certified copies of any additions and amendments to this Ordinance as may be hereafter adopted, in the municipal records and with the Health Officer.
- Sec. 3 The provisions of this Ordinance shall be reviewed at intervals not exceeding five (5) years by the Selectboard with the objective of assessing the continued applicability of these provisions and to consider any recommendations proposed for their improvement.

Article II – Definitions

- Sec. 1 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, camolids, reptiles and amphibians. Specific categorical definitions are found in 6 V.S.A. §1151.
- Sec. 2 Domestic Pet or Pet means any domestic dog, domestic/barn/stray cat and domestic ferret. Wolf-hybrids are not considered to be domestic pets but are licensed and regulated as domestic pets.
- Sec. 3 Enforcement Official means any animal control officer in the Town of Proctor or other individual specifically designated by the town to enforce the provisions of this Ordinance.
- Sec. 4 Leash means an instrument consisting of rope, leather, chain, or cord with a fixed clasp on the collar and not to exceed eight feet in length.
- Sec. 5 Owner or Keeper means any person who has actual or constructive possession, that is, who owns, keeps, possesses or has custody of a domestic animal, domestic pet, or wolf-hybrid. An owner or keeper includes a person who provides food or shelter to a domestic animal, pet or wolf-hybrid.
- Sec. 6 Running at Large means any animal that is off the premises of the owner and not under the control of the owner, or another individual, either by leash or other means of physical restraint.
- Sec. 7 Vicious Domestic Animal, Domestic Pet, or Wolf-Hybrid means an animal found to be vicious pursuant to Article III of this Ordinance.
- Sec. 8 Wolf-hybrid means any animal which is the progeny or descendant of the mating of a domestic dog (canus familiaris) and a wolf (canus lupus or canus rufus). Wolf-hybrid also means an animal that is advertised, registered, licensed, or otherwise described or represented as a wolf-hybrid by its owner.

Article III – Investigation of Vicious Animal

- Sec. 1 Anyone who has personal first hand knowledge that a domestic animal, domestic pet or wolf-hybrid is a menace to travel, is vicious, or has bitten a person or other domestic pet while off the property of its owner, may file a written complaint with the Selectboard or Enforcement Official within forty-eight (48) hours of their observation.
- Sec. 2 A person who suffers loss by the worrying, maiming or killing of his sheep, lambs, fowls, or other domestic animals, by dogs, within twenty-four (24) hours after he learns of such damage, shall give written notice to the Selectboard or Enforcement Official.
- Sec. 3 Within three (3) days of initial receipt of the complaint, an investigation shall be conducted by the Enforcement Official. A written report of the investigation and damages shall be provided for the Selectboard hearing. The written report shall contain, at a minimum:
- a. Time, date and place where the attack or incident occurred;
 - b. Name and address of the victim(s);
 - c. Name and address of the complainant (if different than the victim);
 - d. Description of the animal(s) involved;
 - e. Name and address of the owner if known; and
 - f. Any other facts that may assist the Selectboard in conducting an investigation.
- Sec. 4 Within seven (7) days of receipt of the initial complaint, the Selectboard shall hold a hearing on the matter. If the owner of the animal, which is the subject of the complaint, can be ascertained, the town shall provide the owner with written notice of the time, date and place of the hearing and the facts of the complaint. If the owner of the animal is not known, then the town may serve notice of the hearing and the complaint by posting the same at the town's official posting locations and for three (3) consecutive days in the local newspaper.
- Sec. 5 If the complaint against the animal is sustained, the Selectboard shall declare the animal to be vicious, fine the owner in accordance with the provisions under Article IX, Section 3 of this Ordinance, and make such order for the protection of persons and domestic animals or pets as the case may require. Orders made by the Selectboard include, but are not limited to:
- a. Chaining or muzzling the vicious dog(s);
 - b. Confining the vicious dog(s); or
 - c. Destroying the vicious dog(s).
- Sec. 6 The order shall be sent within seven (7) days of the hearing by certified mail, return receipt requested to the owner, and a copy of the order shall be given to the Enforcement Official, complainant, and the Town Clerk for filing.
- Sec. 7 A person who, after receiving notice, fails to comply with the terms of the order shall be fined in accordance with the provisions under Article IX, Section 3 of this Ordinance.
- Sec. 8 The procedures provided in this Article shall only apply if the animal is not a rabies suspect. If a member of the Selectboard or the Enforcement Official determines that the animal is a rabies suspect, the provisions of Subchapter 5 of Title 20 V.S.A. Chapter 193 and the rules of the Department of Health shall apply.
- Sec. 9 An owner or complainant aggrieved by the decision of the Selectboard following a hearing may appeal the decision to the Superior Court within thirty (30) days of receipt of the decision. The Superior Court shall consider the matter de novo.

Article IV – Disturbances and Nuisances

- Sec. 1 No domestic animal, domestic pet or wolf-hybrid shall run at large in the town.
- Sec. 2 A female dog or wolf-hybrid in heat shall be confined to a building or other secured enclosure, except while under the direct physical control of the owner.
- Sec. 3 No person shall own, keep or harbor a domestic animal, domestic pet or wolf-hybrid that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or other animal noise.
- Sec. 4 No owner shall allow any domestic animal, domestic pet or wolf-hybrid to cause damage to property, scatter refuse, harass cyclists or pedestrians and other passersby, obstruct vehicular traffic, or create a public nuisance.
- Sec. 5 The person in control of a domestic animal, domestic pet or wolf-hybrid that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

Article V – License and Rabies Vaccination Required

- Sec. 1 All dog or wolf-hybrid owners shall be required to annually register and license the animals in a manner prescribed by the town with the Town Clerk’s Office. The license shall expire on the first day of April the next year after its issuance.
- Sec. 2 All dog or wolf-hybrid owners shall obtain and be required to demonstrate proof of current rabies vaccination as a requirement of the annual license application.
- Sec. 3 In April of each year, the Selectboard shall cause to be conducted an annual census of unlicensed, inoculated and licensed animals which list shall then be submitted to the Town Clerk.
- Sec. 4 By May 1, the Town Clerk shall notify the owners of all dogs or wolf-hybrids named on the list that have not already been licensed or inoculated that after May 30, the owner will be in violation of the provisions under Article V and subject to the penalties under Article IX, Section 2.

Article VI – Cruelty

- Sec. 1 No person shall torture, torment, cruelly neglect to provide with necessary sustenance or shelter, cruelly beat, needlessly mutilate, or illegally kill any animal.

Article VII – Impoundment and Release from Impoundment

- Sec. 1 Domestic pets or wolf-hybrids in violation of any provision of this Ordinance may be taken by the Enforcement Official and impounded in the humane society and there confined in a humane manner.
- Sec. 2 The owner of any domestic pet or wolf-hybrid impounded under the provisions of this Ordinance shall be fined in accordance with the provisions under Article IX, Sections 4 and 5.

- Sec. 3 The Enforcement Official who impounds a domestic pet or wolf-hybrid shall, within 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 the animal returned to the owner.
- Sec. 4 If an impounded domestic pet or wolf-hybrid has no license or other identification, the Enforcement Official who impounds it shall proceed under the provisions of 20 V.S.A. §3806.
- Sec. 5 Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and after remedial action by the owner. Remedial action shall include, but is not limited to, such action as providing a collar and current license and providing a plan for compliance with the provisions of this Ordinance and with state law.
- Sec. 6 If any impounded domestic pet or wolf-hybrid is not redeemed within seven (7) days of its impoundment, it shall be sold or given away. Any proceeds from the sale of any impounded animal shall first be allocated to fees related to the impoundment. Any balance remaining shall be paid to the owner, if any is found. If proceeds from the sale of the unredeemed animal do not cover the costs associated with the impoundment, the balance of sums owed under this Ordinance may be collected in a civil action brought under this Article. If any unredeemed animal is not sold or given away because of disease, temperament, or other cause, it shall be destroyed in a humane manner.
- Sec. 7 The impoundment period may be waived by the Enforcement Official in the case of a severely injured animal whose owner cannot be located or is unwilling to claim the animal.

Article VIII – Enforcement

- Sec. 1 This is a civil ordinance and shall be enforced by the Enforcement Official in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§1974a et seq.

Article IX – Penalties and Fees

- Sec. 1 A person found to have violated Articles IV or VI of this Ordinance in any twelve (12) month period in cases which involve licensed animals shall be fined \$50.00 for the first offense, \$100.00 for the second offense, and \$200.00 for the third and any subsequent offenses, in addition to the expenses of impounding, if any, and other lawful charges. Waiver fees shall be one-half (½) the specified fine in lieu of court appearance.
- Sec. 2 A person found to have violated Articles IV, V, or VI of this Ordinance in any twelve (12) month period in cases which involve unlicensed animals shall be fined \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for the third and any subsequent offenses, in addition to the expenses of impounding, if any, and other lawful charges. Waiver fees shall be one-half (½) the specified fine in lieu of court appearance.
- Sec. 3 A person found to have violated Article III of this Ordinance in any twelve (12) month period shall be fined \$500.00 in addition to the expenses of impounding, if any, and other lawful charges. A waiver fee equal to one-half (½) the specified fine shall apply in lieu of court appearance.
- Sec. 4 In addition to the penalties provided in Article IX, Sections 1, 2, and 3, any animal found in violation of this Ordinance may be impounded. Any animal impounded under the provisions of this Ordinance shall be released only on payment of a \$25.00 impounding fee. Any animal impounded for a second time in any twelve (12) month period shall be released only on payment of a \$50.00

impounding fee and if so captured three or more times in any twelve (12) month period it shall be released only upon payment of a \$75.00 impounding fee.

Sec. 5 In addition to the impound fee charged herein, there shall be an additional charge of \$6.00 per day for board for each day the animal is impounded, except that if the animal is claimed up to three (3) hours after impoundment, the owner will be responsible for one-half day's boarding fee. If an animal is claimed within two (2) hours of opening business hours on the following business day, the owner will not be charged for that day's boarding fee.

Article X – Other Laws

Sec. 1 This Ordinance is in addition to all other Ordinances of the Town of Proctor and all applicable laws of the State of Vermont.

Article XI – Severability

Sec. 1 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.

Article XII – Effective Date

Sec. 1 This Ordinance shall become effective 60 days after its adoption by the Town of Proctor Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this Ordinance.

Duly enacted and ordained this _____ day of _____, 2013 by the Selectboard of the Town of Proctor, County of Rutland, State of Vermont, at a duly called and duly held meeting of said Commissioners.

ATTESTED BY: _____
Clerk

TOWN OF PROCTOR
SELECTBOARD

Chairperson

Selectboard