

WORCESTER ANIMAL CONTROL ORDINANCE

Adopted 6-5-2000

Introduction

The Selectboard of the Town of Worcester, Vermont, acting under the authority of 20 V.S.A. sec. 3549, et. Seq. and 24 V.S.A. sec. 2291(10) [14], [et. Seq] hereby adopt and ordain this ordinance regulating certain ANIMALS in the Town of Worcester. Pursuant to 24 V.S.A. sec. 1971, this ordinance is a civil ordinance, and shall be enforced in accordance with provisions of 24 V.S.A. sec. 1974(a), et seq.

Section 1. Purpose

This ordinance is adopted to protect and preserve the health, safety, and general welfare of the citizens of the Town of Worcester and encourage the responsible ownership of ANIMALS.

Section 2. Definitions

- a. "ANIMALS" means any DOG or WOLF-HYBRID
- b. "DOG" means a male or female of the canine species (*Canis familiaris*)
- c. "OWNER" means any person who owns a DOG or WOLF-HYBRID, and includes any person who has actual or constructive possession of the DOG or WOLF-HYBRID. The term also includes those persons who provide feed and shelter to a DOG or WOLF-HYBRID.
- d. "WOLF-HYBRID" means an ANIMAL which is the progeny or descendant of a domestic dog (*Canis familiaris*) and wolf (*Canis lupus* or *Canis fufus*). "WOLF-HYBRID" also means an 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 behavioral wolf characteristics as described by rule of the Commissioner.
- e. "NOTICE" means:
 - 1. actual NOTICE given orally, or
 - 2. 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.

Section 3. Prohibition Against Roaming

An OWNER of an ANIMAL shall not allow, permit or suffer such ANIMAL to roam.

An ANIMAL is deemed to be roaming at any time when it is not:

- a. On a leash, or
- b. On or within a vehicle, or
- c. On the property of its OWNER, or
- d. Clearly under the verbal or non-verbal command of the OWNER, or
- e. [While] Hunting with the OWNER.

Section 4. Prohibition Against Creating a Nuisance

An OWNER of an ANIMAL shall not allow, permit, or suffer such ANIMAL to create a nuisance. The term "nuisance" means any of the following activities:

- a. Being on lands other than those of the ANIMAL'S OWNER and, while there, damaging property, threatening, or injuring any person, ANIMAL or livestock.
- b. Frequently or habitually barking, howling, yelping or in any other like manner unreasonably disturbing the peace and quiet of the persons residing within the town, regardless of the ANIMAL being outside or inside any structure of its OWNER.
- c. Posing a threat to the physical safety of persons using adjacent lands or public right-of-ways.
- d. Defecating on lands other than those of the ANIMAL'S OWNER, unless those lands are clearly in a wild or uncultivated state. However, if the OWNER immediately removes the waste the OWNER shall not be in violation of this ordinance.

Section 5. Prohibition Against Certain Activities on Public Lands

An OWNER of a domestic dog or WOLF-HYBRID shall not allow, permit, or suffer such ANIMAL to be on any public lands where signs stating "No Dogs or Pets Allowed" have been posted.

Section 6. Licensing of Dogs

Every DOG or WOLF-HYBRID within the Town of Worcester shall be licensed annually in accordance with Chapter 193, Title 20 of the Vermont Statutes Annotated, as amended. The owner of such DOG or WOLF-HYBRID shall cause it to wear a collar, and attached thereto, a license tag issued by the Town Clerk. A letter shall be sent to the owner if the DOG or WOLF-HYBRID is not properly licensed and followed up by the Animal Control Officer.

Section 7. Impounding an ANIMAL

- a. 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 shall investigate. The Animal Control Officer shall make every effort to contact the owners of the 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 of the Town of Worcester, or any law enforcement officer or any other person designated by the Town for the control of ANIMALS. This action may be taken in addition to the assessment of penalties for violation of this ordinance.
- b. It is the intent of this ordinance to resolve a complaint at the lowest possible level. Where appropriate, a warning shall be given prior to issuance of a formal complaint and the party(ies) encouraged to resolve the problem directly.
- c. Any ANIMAL so impounded shall be transported to an impounding facility wherein it shall be kept until proof that such ANIMAL is currently vaccinated for rabies is provided and payment of established impounding facility fees is submitted to the impounding facility. The OWNER of any ANIMAL so impounded shall be notified of the impoundment provided the ANIMAL is wearing a reasonable means of identification or license.

d. Any ANIMAL impounded for more than 10 days, after receipt of NOTICE by the OWNER, may be destroyed or delivered to the local chapter of the Humane Society. Any OWNER, if known, who elects not to redeem his or her ANIMAL shall remain liable for the costs of impoundment, fees and penalties.

Section 8. Penalties

a. This is a civil ordinance. The Selectboard may appoint and from time to time, as is their pleasure, may remove an ANIMAL Control Officer. The ANIMAL Control Officer shall be an official authorized to issue complaints for violation of this ordinance. Any law enforcement officer is also hereby designated as an issuing official who may issue complaints for violations of this ordinance.

b. 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 will be deleted from the OWNER'S record for the purposes of calculating the foregoing penalties and the waiver penalties set forth if the OWNER completes twelve (12) violation free months.

c. Each day a violation continues shall constitute a separate violation.

d. In cases where violations of this ordinance are brought to the Judicial Bureau, and where the violation is admitted or not contested, in lieu of the above, 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

e. 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 violations of this ordinance.

Section 8. Other Laws

a. This ordinance is in addition to other ordinances enacted by the Town of Worcester.

b. This ordinance shall not be construed as waiving the Town's rights 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.

c. This ordinance supercedes the existing ORDINANCE REGULATING THE KEEPING OF DOGS (Feb. 13, 1985), which is hereby repealed.

Selectboard
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