

**ANIMAL CONTROL ORDINANCE
of the
TOWN OF ROYALTON**

Article 1. Applicability:

- A. This ordinance shall apply to the entire Town of Royalton unless otherwise noted by reference.

Article 2. Definitions:

- A. As used in this ordinance the following words and terms have the respective meanings herein assigned to them:

Owner: Any person keeping an animal or allowing an animal to remain in or around buildings or premises owned, controlled or occupied by him/her.

Stray: Any animal that is found running at large on any property other than that of its owner.

Vicious: Any animal that nips, bites or otherwise aggressively accosts any person or domestic animal while off its owner's property.

Wolf-Hybrid: Any animal that is the progeny or descendant of a domestic dog (Canis Familiaris) and a wolf (Canis Lupus or Canis Rufus). Wolf-Hybrid shall also mean any animal that is advertised, registered, licensed or otherwise represented as a wolf-hybrid by its owner. Wolf-Hybrid shall also mean any animal that exhibits primary physical and behavioral wolf characteristics.

Article 3. Licensing and Vaccination:

- A. All dogs and wolf-hybrids kept within the limits of the Town of Royalton must be vaccinated for rabies by a licensed veterinarian, with a vaccine approved by the Commissioner of Agriculture, to provide immunity for domestic dogs.
- B. Veterinarians must provide domestic dog and wolf-hybrid owners with completed rabies certificates and rabies tags for each animal inoculated.

- C. Any dog(s) or wolf-hybrid(s) owned, kept, or maintained within the Town of Royalton shall obtain a dog license in the Town of Royalton as provided for by the laws of the State of Vermont.
- D. Any person keeping two or more dogs or wolf-hybrids for breeding purposes shall obtain a kennel license in the Town of Royalton as provided for by the laws of the State of Vermont.
- E. Dog and kennel licenses shall be obtained from the Town Clerk. A current valid rabies certificate and a licensing fee must be provided to the Town Clerk before a license may be issued. **[If applicable, and where a rabies certificate is not available, the owner may present a certification from a licensed veterinarian that the dog or wolf hybrid is not required by state law to have a rabies vaccination.]**
- F. **[Dog and kennel licenses shall be issued for a period not to exceed one year and shall expire on the first day of the month of April following the date of issuance.]**

Article 4. Public Nuisance Violations:

- A. It shall be a violation for the owner or keeper of any dog(s) or wolf-hybrid(s) to permit or allow said animal(s) to bark, howl, or otherwise disturb the peace and quietude of the community in any other manner on a habitual manner. **[The term “habitual” shall be construed to include any such conduct that occurs continually over a period in excess of thirty minutes.]** Such conduct is declared to be a public nuisance.
- B. It shall be a violation for the keeper of any dog(s) or wolf-hybrid(s) to permit or allow an uncontrolled animal to run at large in any road, park, school yard or any other public facility. Such conduct is declared to be a public nuisance.
- C. It shall be a violation for the owner or keeper of any dog(s) or wolf-hybrid(s) to permit or allow said animal to trespass **[or otherwise enter upon on any other person’s property without consent]** causing damage or disturbance. Such conduct is declared to be a public nuisance.
- D. It shall be a violation for the owner or keeper of any dog(s) or wolf-hybrid(s) to permit or allow said animal to be on the South Royalton Village Green, the Royalton Common and the Carpenter Recreational Field. Such conduct is declared to be a public nuisance.
- E. The owner or keeper of any female dog or wolf-hybrid in heat shall confine said animal in a manner so as to prevent the unintentional breeding of the animal. Conduct in violation of this provision is declared to be a public nuisance.

Article 5. Vicious Dog(s) or Wolf-Hybrid(s):

- A. Any dog(s) or wolf-hybrid(s) that nip, bite or otherwise aggressively accost any person or domestic animal shall be considered vicious for the purposes of this ordinance.
- B. Any owner or keeper shall be deemed to have violated this ordinance in any instance that the owner's or keeper's dog(s) or wolf-hybrid(s) nips, bites or otherwise aggressively accosts any person or domestic animal outside of the owner's or keeper's private land and premises.
- C. **[It shall be a violation for the owner or keeper of any vicious dog(s) or vicious wolf-hybrid(s) to maintain or otherwise allow said animal to be outside of the owner's or keeper's private land and premises.]**
- D. **[Upon receiving notice from the Town Constable(s) that the owner's dog is suspected of having bitten another person, the owner shall immediately provide the Constable with proof of current rabies vaccination. Failure or inability to provide proof of vaccination shall require a 14 day confinement of the animal. If appropriate, the Town Constable(s) may impound the animal pursuant to the provisions of Article 9, Section B below. The owner shall NOT vaccinate the animal for rabies during any period of confinement or impoundment.]**

Article 6. Animal Neglect or Abuse:

- A. **[The state laws regarding animal neglect and abuse as set forth in Title 13 V.S.A. Sections 351-397 are hereby fully incorporated by this ordinance.**
- B. **Any violation of the provisions of Title 13 V.S.A. Sections 351-397 within the limit of the Town of Royalton may be enforced as a municipal violation of this ordinance and may be prosecuted in the same manner as any other violation set forth herein.]**

Article 7. Stray Dogs or Wolf-Hybrids:

- A. Any dog(s) or wolf-hybrid(s) found strayed from the property of its owner shall be subject to immediate impoundment.
- B. Any dog(s) or wolf-hybrid(s) impounded under this Article shall be held until such time as the owner can be determined, or until at least ten days have elapsed from the date of impoundment.
- C. If the owner can be determined, then the owner shall be notified by the poundkeeper of the impoundment and owner may reclaim the animal by payment of a minimum of \$25.00 for a reclamation fee and an impoundment fee of no less than \$5.00 per day of impoundment.

- D. If the owner is unknown, attempts to locate the owner shall minimally include advertisement in a locally circulated newspaper at least twice during the impoundment period.
- E. If attempts to locate the owner are unsuccessful after ten days, the animal shall become the property of the Town of Royalton and may be either placed for adoption or disposed of in a humane manner, at the discretion of the poundkeeper.

Article 8. Filing of Complaints and Enforcement:

- A. Any person who suffers damage or disturbance under **[any provision]** of this ordinance shall notify a Town Constable within 48 hours of the occurrence of such damage or disturbance.
- B. **[Any person who suffers damage or disturbance under Articles 5 or 6 of this ordinance shall file a written complaint with the Selectboard Administrator, the Town Clerk or a Town Constable within 48 hours of the occurrence of such damage or disturbance. A Town Constable receiving a written complaint under Article 5 or 6 of this ordinance shall file a copy of same with the Selectboard Administrator or the Town Clerk within 48 hours of receipt of the complaint.]**
- C. When notifying a Town Constable or filing a written complaint, the complainant shall provide as much of the following information as is known:
 - Name and address of the complainant
 - Description of the damage and/or disturbance
 - Time, date and location of damage and/or disturbance
 - A description and/or name of the offending animal
 - Name and address of the animal's owner or keeper
- D. The Town Constable(s) shall have authority to enforce and investigate any violation of, or complaint regarding, the provisions of this ordinance.
- E. Either or both of the Town Constable(s) shall investigate complaints received under this ordinance and the Constable(s) shall then determine the substance of the complaint to the best of his/her/their ability.
- F. Whereupon the Constable(s) shall determine that an owner or keeper is in violation of this ordinance, the Constable(s) shall notify the owner of the offending animal in writing as to the nature of the offense clearly stating the ordinance article and section (and statute title and section if applicable) being enforced and the manner of enforcement. The Constable(s) may also issue a written order to cause the cessation of the offense by

reasonable means which may include (but are not limited to) chaining, leashing, muzzling or confinement of the animal.

- G. **[At his/her/their discretion, the Constable(s) may formally prosecute a violation of this ordinance before either the Royalton Selectboard or the Vermont Judicial Bureau. The individual charged with a violation of this ordinance shall have an opportunity to contest the charges before the Selectboard or the Judicial Bureau as applicable.]**
- H. Any complaint received regarding a violation of Article 5 of this ordinance shall be investigated (or caused to be investigated) by the Selectboard. Upon determination that facts may exist to support a conclusion that Article 5 was violated, the Selectboard shall hold a public hearing within **[14]** days to determine the validity of the complaint. The owner of the offending dog(s) or wolf hybrid(s) shall be notified of the time, date and location of the hearing at least **[72]** hours prior to same.
- I. **[Upon receiving a formal municipal complaint for the third offense of any violation of this ordinance and determination that facts may exist to support a conclusion that a provision of this ordinance was violated three times, the Selectboard shall hold a public hearing within 14 days to determine the validity of the complaint. The owner of the offending dog(s) or wolf hybrid(s) shall be notified of the time, date and location of the hearing at least 72 hours prior to same.]**

Article 9. Penalties and Remedial Measures:

A. Schedule of Fines:

I. Fine for violations of Article 3 of this ordinance are set forth as follows:

- First offense - no fine, written warning
- Second offense - fine not to exceed \$100.00
or \$25.00 waiver
- Third offense - fine not to exceed \$200.00
or \$50.00 waiver

II. Fines for all other violations of this ordinance are set forth as follows:

- First offense - fine not to exceed \$50.00
or \$25.00 by waiver
- Second offense - fine not to exceed \$100.00
or \$25.00 by waiver
- Third offense - fine not to exceed \$250.00
or \$50.00 by waiver

- III. A fine shall be assessed for failure to comply with a written order issued by the Selectboard requiring abatement of an ongoing violation of this ordinance. Such fine shall be assessed at not more than \$250.00 per day or \$50.00 per day by waiver.
- IV. The fine schedule set forth above shall be exclusive of any administrative fees and surcharges as may be applicable.

B. Emergency Powers and Impoundment:

I. If in the opinion of an emergency State Health Department, local health officer, or a Town Constable, an emergency situation exists with regard to the threat or impending threat of rabies, then a State of Emergency may be declared. This declaration shall have the effect of suspending due process with regard to the impoundment of any animal suspected of being rabid. Any Constable impounding an animal under this Article shall immediately report it to the health officer and shall follow his/her order as to its disposition.

II. Whereupon the Town Constable(s) shall determine that an owner or keeper is in continuous violation of Articles 3, 4, and/or 5 of this ordinance resulting in an immediate threat to the health, safety or welfare of the general community, the offending animal may be impounded pending an appearance of the owner before the Selectboard and subsequent order of the Selectboard providing for the return of the animal to the owner.]

III. Prior to releasing an impounded animal to its owner, the poundkeeper shall collect from the owner a minimum of \$25.00 for a reclamation fee and an impoundment fee of no less than \$5.00 per day.

C. Other Remedial Measures:

For **[any violation]** of this ordinance determined at a hearing, the Selectboard may issue a written order to the owner to protect and ensure the health, safety and welfare of the general community which may include (but shall not be limited to) chaining, leashing, muzzling, confinement, euthanasia and/or removal of the offending animal from the community.

Article 10. Concurrent jurisdictions and remedies:

A. Nothing in this ordinance shall be deemed or otherwise construed to prevent, restrict, or prohibit any individual or Town official from pursuing prosecution, remedy, and/or compensation under any applicable laws of the State of Vermont.

Article 11. Severability:

- A. The provisions of this ordinance are hereby declared severable, and if any part thereof shall be held to be invalid, then the invalidity of that part shall not affect the remainder of the ordinance thereof which shall remain in full force and effect.

Article 12. Effective Date:

- A. This ordinance is adopted by the Royalton Board of Selectman on this 11th day of May, 2004 and shall become effective on the 10th day of July, 2004.

Signed:

Royalton Board of Selectmen