

## **TOWN OF CANAAN ANIMAL CONTROL ORDINANCE**

BE IT ORDAINED BY THE SELECTBOARD OF THE TOWN OF CANAAN:

### **Section 1 - PURPOSE**

The purpose of this Ordinance is to protect the comfort, health, repose, property, safety and general welfare of the citizens of the Town of Canaan. In order to accomplish the foregoing purpose, it is deemed necessary to establish procedures for enforcement and appeal and establish penalties for violations of this Ordinance.

### **Section 2 - DUTY OF MAINTENANCE OF PROPERTY AND CONTROL OF A KEPT ANIMAL**

No person owning, leasing, occupying, camping upon or having control of any premises in the Town and no person owning, keeping, harboring or maintaining a kept animal shall allow such animal(s) to become or remain a public nuisance as herein defined, or to be kept in violation of this ordinance.

**Section 3 - DEFINITION OF TERMS** As used in this ordinance, unless the context otherwise indicates,

- (a) "Animal" shall be intended to mean both male and female of the species.
- (b) "Owner" shall be intended to mean any person or persons, firm, association, or corporation owning, keeping, harboring or permitting an animal to be or remain in or about building or premises owned or occupied by them.
- (c) "At large" shall be intended to mean off the premises of the owner, and not immediately under the control of the owner or a member of the immediate family either by leash, cord, chain, or otherwise.
- (d) "Animal Control Officer" shall be the Constable or Pound Keeper appointed by the Selectboard to police and enforce this article in cooperation with appropriate law enforcement agencies.
- (e) "Uncontrolled Dog" shall be a dog which is running at large, or which while any public way or place, is not under restraint.
- (f) "Under Restraint" shall be a dog controlled by a leash, or which is "at heel" beside a competent person and obedient to that person's commands, or is within or on a vehicle.
- (g) "Humane Disposal" shall be (a) Humane euthanasia by a licensed veterinarian, or (b) sold or given away to a responsible person.

#### **Section 4 - LICENSING AND VACCINATION OF DOMESTIC PETS**

##### **A. DOGS:**

1. It shall be the duty of every person within the Town owning, keeping or harboring any dog over 6 months of age to procure a license therefore, in accordance with Chapter 193, Title 20 of the Vermont Statutes as amended. Effective April 1, 1995, this section shall also pertain to wolf-hybrids as required by 20 V.S.A. Chapter 193.
2. In order that it is readily apparent that a dog has been vaccinated against rabies, an owner or person otherwise in control of a dog within Town limits shall be responsible to insure that whenever such dog is off the premises of the owner, a collar or harness is securely fastened on such dog and that the current license tag issued by the Town is attached thereto.

##### **B. CATS:**

1. It shall be the duty of every person within the Town owning, keeping or harboring any cat over 6 months of age to see that the cat is vaccinated against rabies as required in Title 20 V.S.A. Section 3581(a). the owner or person in control of a cat within the Town shall produce, upon request of the Animal Control Officer, proof that such cat, as defined in Section 3581(a) of 20 V.S.A., the person shall give an affidavit that the cat has been inoculated against rabies.

#### **Section 5-FEES:**

1. The Town may charge a fee for domestic pet licenses, as authorized by 20 V.S.A. Chapter 193 and may be set from time to time by the Selectboard.

#### **Section 6 - ANIMALS CONTROL OFFICER, DUTIES GENERALLY:**

1. The Selectboard may designate a person to act as Animal Control Officer to enforce the provisions of this Ordinance. It shall be the duty of the Animal Control Officer to investigate complaints of domestic pet and kept animal nuisances and to enforce the provisions of this Ordinance. The Selectboard may also designate the names of persons and their locations to receive animals for confinement under terms of this Ordinance.
2. The Animal Control Officer is hereby authorized and empowered to obtain warrants to enter onto private lands, seize and impound animals and to take all reasonable and necessary measures to abate a violation as herein defined.

#### **Section 7 - VIOLATIONS:**

1. Any kept animal or pet which becomes or remains a public nuisance as herein defined shall be in violation of this Ordinance and may be impounded and the owner of any kept animal or pet, if such can be identified, shall be guilty of a violation of this Ordinance and subject to the penalties hereinafter provided.

2. Violations:

- A. A pet which has not been vaccinated against rabies as required in 20 V.S.A. Section 3581(a), or;
- B. A dog which has not been licensed in accordance with 20 V.S.A. Chapter 193, and as amended, or;
- C. A pet or kept animal which bites a person, or;
- D. A pet or kept animal kept or maintained contrary to the conditions of a lawful order issued by the Selectboard under another Section of this Ordinance, or;
- E. A dog which runs at large and which is uncontrolled while on a public way or place within the Town of Canaan. Nothing in this Ordinance shall be construed to require the leashing of a dog while on the property of another person by permission, or to restrict the use of dogs for lawful hunting, or;
- F. A dog which runs at large and does not have a current license tag affixed to a collar, or;
- G. A dog or kept animal which runs at large and repeatedly causes damage to the property of anyone other than its owner, including, but not limited to, turning over garbage containers or doing damage to gardens, flowers, shrubs, or vegetables, or injuring or worrying domestic animals and pets, or;
- H. A dog which runs at large and habitually or repeatedly chases, and/or snaps at pedestrians, joggers, pets walked on a leash, bicyclists, vehicles, or riders on horseback.
- I. A dog which repeatedly, continuously or habitually barks, whines or howls, in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises, or;
- J. A female dog while in an estrous cycle not confined in a building or on a leash at all times so that she cannot create a nuisance by attracting other dogs. Nothing in this section shall be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner.

**Section 8 RESPONSIBILITY FOR CLEANUP OF EXCREMENT**

- 1. The owner of any animal shall be responsible for the prompt removal of any excreta deposited by his or her animal(s) off the owners premises. Failure to remove such excreta shall be considered a violation of this ordinance.
- 2. The fine for a violation of this section of the ordinance shall be \$50 with a waiver fee of \$25. A written warning shall be issued for the first violation of this section of the ordinance.

**Section 9 - ENFORCEMENT AND PENALTIES**

- 1. **ENFORCEMENT:** A violation of this ordinance shall be a civil matter enforced by any police officer, animal control officer or humane officer in the Vermont Judicial Bureau in accordance with the provisions of Title 24, Section 1974a and 1977, et seq. of the Vermont Statutes Annotated.
- 2. **PENALTIES:** Any owner found violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of \$50.00 for each offense.
- 3. **WAIVER FEE:** Violators may pay a waiver fee of \$35.00. Waiver fee increases by \$10.00 for each subsequent offense by an owner of any provision of this Ordinance.

4. AGENTS: Custodial Agent of tickets and records shall be the Town Clerk of Canaan, Vermont. Issuing Agent of tickets for violations of the ordinance is the Town Constable. Appearing Agent, if necessary, shall be appointed from the list of Appearing Agents kept on town records.
5. VIOLATION: A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and 1977 et. Seq. A civil penalty of not more than \$50.00 may be imposed for a violation of this civil ordinance. The waiver fee shall be set at \$35.00 for the first offense and an additional \$10.00 for all subsequent offenses. Each day that the violation continues will constitute a separate violation of this ordinance.

#### Section 10 - **IMPOUNDMENT:**

1. This Animal Control Officer is authorized to confine or impound any pet when:
  - A. A collar and the current license tag is not attached to the pet and the pet has an unknown history of rabies vaccination, or;
  - B. The pet has been running at large in violation of this Ordinance, or;
  - C. The pet is suspected of having been exposed to rabies, or;
  - D. The pet is believed to have been attacked by another animal which may be rabid, or;
  - E. The pet has been attacked by a wild animal.
2. Any pet which is considered a rabies suspect shall be managed in accordance with rules adopted by the Vermont Department of Health.
3. IMPOUNDING It shall be the duty of the Town Constable to apprehend any animal found running at large contrary to the provisions of Section 9 b. and to impound such animal. Captured animals shall be impounded at the Crabapple Downs kennel, a business located in Columbia, New Hampshire, (or other human kennel facility) and are held according to kennel policies. The Town Constable (or some other designated official), upon receiving a complaint regarding any animal shall make a complete registry of, entering the breed, color, sex, and whether the animal is licensed. If licensed, the name, address of dog owner and the licensed tag number shall be recorded.
4. NOTICE OF OWNER AND REDEMPTION Not later than three days after the impounding of any dog, the owner shall be notified, or if the owner is unknown, written notice shall be posted for five days in three or more conspicuous places in the Town of Canaan, Vermont, describing the dog, and the place and time of taking. The owner of any impounded dog may reclaim such dog upon payment of applicable kennel fee.
5. DISPOSITION OF UNCLAIMED OR INFECTED DOGS According to kennel policy, dogs are held for a maximum of ten days, and are then either destroyed or placed with a suitable owner. An unlicensed dog required by law to be licensed, or any dog, which appears to be suffering from rabies, or infected with hydrophobia, mange, or other dangerous infectious disease shall not be released, but may be forthwith destroyed.

## **Section 11 - INVESTIGATION OF VICIOUS PETS**

1. When a domestic pet has bitten a person while the pet is off the premises of the owner or keeper, and the person bitten requires medical attention for the bite, such person may file a written complaint with the Selectboard. 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 required by sub-section (2).
2. The Selectboard, within fifteen days from receipts of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the pet 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 the hearing and the fact of the complaint.
3. If the pet 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 pet is disposed of in a humane manner, muzzled, chained or confined. The order shall be sent to the owner by certified mail, return receipt requested. A person who, after receiving notice fails to comply with the terms of the order shall be subject to penalties provided in section 8(b) of this Ordinance.
4. The procedures provided in this section shall only apply if the pet 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 20 V.S.A. subchapter 5 and the rules promulgated by the Vermont Department of Health shall apply.

## **Section 12 - MANAGEMENT OF BITING ANIMALS, RABIES SUSPECT ANIMALS, AND RABIES EXPOSED ANIMALS:**

1. Domestic pets, which have bitten a person, or have been exposed to rabies or are suspected of being infected with rabies, shall be managed in accordance with 20 V.S.A. the Rules adopted by the Vermont Department of Health.
2. All costs associated with the management of a biting animal, rabies suspect animal, or rabies-exposed animal shall be borne by the owner.

**Section 13 - SEPARABILITY OF PROVISIONS:** It is the intention of the Selectboard that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Selectboard that if any provision of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

**Section 14- EFFECTIVE DATE:** This Ordinance shall be in full force and effect from and after its passage.

Adopted this 4<sup>th</sup> day of December, 2017

/s/ Gregory D. Noyes

Feb. 12, 2018

/s/ Haven Haynes, Jr.

Date

/s/ Frank Sawicki, Jr.

Canaan Selectboard

#### Adoption History

1. Agenda item at regular selectboard meeting held on Nov. 6, 2017.
2. Read and approved at regular selectboard meeting on Dec 4, 2017 and entered in the minutes of that meeting which were approved on Dec 18, 2017.
3. Posted in public places 01-03-17.
4. Notice of adoption published in the Jan 10, 2018 newspaper on Jan 10, 2018 with a notice of the right to petition.
5. Other actions [petitions, ect.].

## **TOWN OF CANAAN ANIMAL CONTROL ORDINANCE**

**THE AMENDMENT TO THE ANIMAL CONTROL ORDINANCE TO INCLUDE: "ENFORCEMENT: A VIOLATION OF THIS ORDINANCE SHALL BE A CIVIL MATTER ENFORCED BY ANY POLICE OFFICER, ANIMAL CONTROL OFFICER OR HUMANE OFFICER IN THE VERMONT JUDICIAL BUREAU IN ACCORDANCE WITH THE PROVISIONS OF TITLE 24, SECTION 1974a AND 1977, ET SEQ OF THE VERMONT STATUTES ANNOTATED"**

IT WAS ADOPTED ON JANUARY 2, 2018 AT THE REGULAR SCHEDULED SELECTBOARD MEETING.

IT WILL TAKE EFFECT ON MARCH 3, 2018, UNLESS A PETITION SIGNED BY AT LEAST FIVE PERCENT OF THE VOTERS OF THE TOWN OF CANAAN IS FILED WITH THE MINICIPAL CLERK BY FEBRUARY 15, 2018, ASKING FOR A VOTE TO DISAPPROVE THE ORDINANCE. IF A PETITION IS RECEIVED, THE TOWN OF CANAAN WILL WARN A SPECIAL MEETING AND THE VOTERS MAY VOTE ON THAT QUESTION

A FULL TEXT OF SAID ORDINANCE CAN BE EXAMINED AT THE CANAAN TOWN OFFICE, CANAAN POST OFFICE, BEECHER FALLS POST OFFICE AND ALICE WARD LIBRARY BULLETIN BOARDS AND ON THE CANAAN WEBSITE ([canaan-vt.org](http://canaan-vt.org)). Call the Town Office at 802-266-3370 with any questions you may have with regards to this amendment or mail to Town of Canaan, PO Box 159, Canaan, VT 05903

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