



Animal Control and Cruelty Ordinance

The Selectboard of the Town of Huntington, in the County of Chittenden, State of Vermont, acting under the authority of 20VSA§3549, et seq. And 24VSA§1971, et seq., hereby adopt this ordinance regulating domesticated animals in the Town of Huntington. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24VSA§1974a and 24§1977 et seq.

Article 1

Purpose

This ordinance is adopted to protect the health, safety and welfare of the citizens of the Town of Huntington. Additionally this ordinance is enacted to protect the welfare of animals in the Town of Huntington.

Article 2

Definitions

- 2.1 **At Large** shall mean off the premises of the owner, and 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. "Under control of such person," means that at all times, the animal is prevented from causing injury, damage, disturbance, nuisance and annoyance;
- 2.2 **Direct Control** shall mean that an animal must be on a leash and the leash must be physically controlled by owner/handler at all times;
- 2.3 **Dog** shall include male and female canine species as well as Wolf Hybrids which are the progeny or descendants of a dog (*canis familiaris*) and a wolf (*canis lupus* or *canis rufus*). These dogs shall include animals kept as pets, show dogs, or for breeding purposes;
- 2.4 **Domesticated Animal** shall mean any animal that is owned which provides companionship, recreation, income or otherwise not regulated by the State of Vermont Department of Fish and Wildlife;
- 2.5 **Enforcement Officer** shall mean any Animal Control Officer, Constable, Town Health Officer, Police Officer, Sheriff, Deputy Sheriff, State Police Officer, Game Warden, or any person appointed Enforcement Officer by the Selectboard to enforce the provisions of this ordinance. A person appointed as an Enforcement Officer by the Selectboard may be a private contractor or resident of another town. The Animal Control Officer may temporarily authorize an Animal Control Officer from other municipalities to enforce this ordinance;
- 2.6 **Municipal Pound** shall mean any kennel, pound, or other facility for holding or housing animals, which is designated by the Selectboard, and regardless of whether such facility is operated by the Town or within the Town limits.
- 2.7 **Secretary** shall mean the Secretary of the Agency of Agriculture, Food and Markets, and includes his or her designee;
- 2.8 **Rescue** shall mean a person or persons; business whether for profit or non-profit which transports and/or fosters domesticated animals with the intent to place the domesticated animal in a new permanent home without regard to remuneration;
- 2.9 **Selectboard** shall mean the legislative body of the Town of Huntington as it may appear from time to time;
- 2.10 **Shelter** shall mean a facility registered with the State of Vermont Agency of Agriculture, Food and Markets, which houses domesticated animals with intent to place in a new permanent home without regard to remuneration;
- 2.11 **Vicious Animal** shall mean any domesticated animal which, while off the premises of the owner or keeper, causes bodily harm or immediate fear of bodily harm by attacking or threatening to attack a person, another domestic animal, or a wild animal.

Article 3

Running At Large

- 3.1 No owner, keeper or other person shall permit a domesticated animal owned by them or under their keeping or control, to run at large.
- 3.2 An owner, keeper or other person who permits a domesticated animal to run at large as defined herein shall be subject to such civil penalties or other enforcement remedies as are hereinafter provided and as are otherwise provided by law.

Article 4

Collar and License

- 4.1 Each dog shall be licensed according to the laws of this state and shall wear a collar or harness with the current license attached. An animal that is visiting from out of state must wear a collar or harness with a current license from its home state attached.
- 4.2 A dog that is found without a collar or harness and license shall be immediately impounded under authority of 20 VSA §3806.

Article 5

Disturbances and Nuisances

- 5.1 An owner, keeper or other person shall not permit a domesticated animal to commit a disturbance or nuisance as hereinafter defined:
 - 5.1.1 make excessive noise so as to disturb adjoining landowners or pedestrians;
 - 5.1.2 cause damage to personal property;
 - 5.1.3 scatter refuse;
 - 5.1.4 harass pedestrians, bicyclists, motor vehicles, or other passersby;
 - 5.1.5 attack persons or other animals;
 - 5.1.6 obstruct traffic;
 - 5.1.7 cause any person to reasonably fear a bodily injury or sustain a bodily injury by attacking or threatening to attack any person other than persons who are in the act of trespassing upon private property of the owner or keeper of the domestic animal;
 - 5.1.8 otherwise be a nuisance or create a disturbance.
- 5.2 A female domesticated animal in heat shall be kept in a building or secure enclosure or under the direct control of the owner. A violation of this provision shall be considered a nuisance.
- 5.3 Owners, keepers or other persons who permit a domesticated animal to create a disturbance or nuisance as defined herein shall be subject to civil penalties and such other enforcement remedies as are hereinafter provided and as are otherwise provided by law.
- 5.4 No owner or keeper of a domesticated animal shall permit the domesticated animal to defecate on any public school ground, public sidewalk, public roadway, public park or any privately owned property of another person without such person's consent unless said defecation is removed immediately and properly disposed of at the owner's or keeper's property. This provision shall apply whether or not the owner or keeper of the domesticated animal has knowledge that the domesticated animal is defecating on the premises.
- 5.5 An appropriate complaint shall be deemed to have been made when a person gives any town enforcement officer a description of the violation of Article 5.4. The person violating this ordinance shall be warned in writing by the appropriate enforcement officer that he or she is in violation. A fine in accordance with Article 11 will be levied for each subsequent violation.

Article 6

Animal Cruelty

- 6.1 A person commits "cruelty to animals" if the person:
- a. intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner;
 - b. overworks, overloads, tortures, torments, abandons, administers poison to, cruelly beats or mutilates an animal, exposes a poison with intent that it be taken by an animal;
 - c. ties, tethers, or restrains an animal, either a pet or livestock, in a manner that is inhumane or detrimental to its welfare. Livestock and poultry husbandry practices are exempted;
 - d. restrains an animal in a locked vehicle in extreme weather conditions;
 - e. deprives an animal which a person owns, possesses or acts as an agent for, of adequate food, water, shelter, rest or sanitation, or necessary medical attention, or transports an animal in overcrowded vehicles;
 - f. owns, possesses, keeps or trains an animal engaged in an exhibition of fighting, or possesses, keeps or trains any animal with intent that it be engaged in an exhibition of fighting, or permits any such act to be done on premises under his or her charge or control;
 - g. acts as judge or spectator at events of animal fighting or bets or wagers on the outcome of such fight;
 - h. as poundkeeper; officer, agent of a humane society or as an owner or employee of an establishment for treatment, board or care of an animal, knowingly receives, sells, transfers or otherwise conveys an animal in his or her care for the purpose of research or vivisection;
 - i. intentionally torments or harasses an animal owned or engaged by a police department or public agency of the state or its political subdivisions, or interferes with the lawful performance of a police animal;
 - j. knowingly sells, offers for sale, barter or displays living baby chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or fails to provide poultry with proper brooder facilities;
 - k. uses a live animal as bait or lure in a race, game or contest, or in training animals in a manner inconsistent with Part 4 of Title 10 or the rules adopted thereunder.
- 6.2 Any Enforcement Officer under this ordinance may use whatever means necessary to remove an animal from a locked vehicle in extreme weather situations. Animals removed from vehicles will be given suitable care. If necessary the Enforcement Officer may take the animal to a licensed veterinarian for proper care and treatment. All expenses incurred shall be paid by the owner or operator of the vehicle in which the animal was removed.

Article 7

Investigation of Vicious or Rabid Domesticated Animals

- 7.1 When a domesticated animal has bitten a person while the domesticated animal is off the premises of the owner or keeper; and the person bitten requires medical attention for the attack, 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 Article of 7.2 of this section;
- 7.2 The Selectboard, or their representative within ten days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner or keeper of the domesticated animal which is the subject of the complaint can be ascertained with due diligence, said owner or keeper shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.
- 7.3 If the domesticated animal 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 domesticated animal is disposed of in a humane way, muzzled, chained or confined. The order shall be sent 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 the penalties provided in 20VSA§3551;
- 7.4 The procedures provided in this section shall only apply if a domesticated animal is not a rabies suspect.
- 7.5 If a member of the Selectboard, an Animal Control Officer or Town Health Officer determines that the domesticated animal is a rabies suspect, the provisions of 20VSA§3807 and such rules as are adopted by the Secretary shall apply.

Article 8 Impoundment and Enforcement

- 8.1 Any Enforcement Officer, in addition to any other remedies available by statute or as are hereinafter set forth, may apprehend any domesticated animal found in violation of this ordinance, and may impound such animal with the Municipal Pound.
- 8.2 An Enforcement Officer shall make a reasonable investigation to determine whether a violation of this ordinance has occurred when an appropriate complaint is lodged with any Enforcement Officer. If the Enforcement Officer reasonably concludes pursuant to his or her investigation that a domesticated animal is in violation of this ordinance, he or she may impound said domesticated animal with the Municipal Pound.
- 8.3 An appropriate complaint shall be deemed to have been made when a person gives the Animal Control Officer or their designee a full description of the domesticated animal, including species, breed, size, color and other distinguishing features, which description must be sufficient for an Enforcement Officer to make a proper identification. If such description is insufficient for a proper identification, no domesticated animal shall be impounded. The person who made such a complaint shall file in writing with the Animal Control Officer or their designee a written complaint on a form furnished by the Town of Huntington setting forth his name, address, phone number, description of the domesticated animal and circumstances under which the domesticated animal was believed to be in violation of the ordinance. If no written complaint is filed, the Enforcement Officer, at his or her option, may release the domesticated animal and charge the complainant with any impoundment fees or boarding fees, which may be due.
- 8.4 The Enforcement Officer, upon apprehending and impounding any domesticated animal, shall make a complete registry, entering the species, breed, color, and sex to such domesticated animal, and whether the domesticated animal is licensed and shall, if possible after reasonable inquiry, notify the owner or keeper. If a domesticated animal is licensed, the Enforcement Officer shall enter the name and address of the owner or keeper and the number of the license tag.
- 8.5 The Enforcement Officer, when enforcing provisions of this ordinance, may apprehend a domesticated animal found on public or private property, including the property of the domesticated animal's owner. However, prior to entering on private property, the Enforcement Officer shall make a reasonable attempt to obtain permission from the property owner or occupant.
- 8.6 The Animal Control Officer shall be the primary Enforcement Officer under the provisions of this ordinance.
- 8.7 In the absence of an Animal Control Officer, or in a situation of an emergency nature, any Enforcement Officer may enforce the provisions of this ordinance.
- 8.8 The Animal Control Officer or Enforcement Officer may use all reasonable and lawful methods for catching and impounding domesticated animals found to be in violation of this ordinance, including the use of tranquilizing and or pepper spray.
- 8.9 For the purposes of 24VSA§1971, this ordinance is designated as a civil ordinance.
- 8.10 In addition to those remedies provided herein or otherwise available at law, this ordinance may be enforced in the Vermont Judicial Bureau in accordance with 24VSA§1974a et seq.

Article 9 Release from Impoundment

- 9.1 Within twenty-four hours of delivery to the pound, the impounding Enforcement Officer shall notify the owner or keeper, if the domesticated animal is licensed or has identifying tags. Notice shall be sufficient if given to its owner or keeper by telephone. The

- domesticated animal shall be held for five working days from telephonic notice unless claimed earlier.
- 9.2 If the animal is a dog, and is unlicensed, the Enforcement Officer shall notify the owner or keeper by certified mail, if known, and shall post a notice containing a description of the dog in the Town Clerk's office, as well as convenience stores located within the town's limits for five working days.
- 9.3 If the owner or keeper does not claim the domesticated animal within five working days from mailing or posting of the notice, the domesticated animal may be given to any person who pays the Municipal Pound fees and the cost of any necessary shots and license fees.
- 9.4 Any owner, if known, who elects not to redeem his or her animal and does not pay the boarding fees, impoundment fees, or any other fees associated with the impoundment may be assessed all of said fees and charges in a civil action brought under this ordinance.
- 9.5 If no person claims an impounded domesticated animal on or within 10 days of the mailing or posting of notice, the domesticated animal may be released for adoption with fees equaling cost paid out.
- 9.6 The Animal Control Officer may release an impounded domesticated animal as outlined in Article 9.6 to an appropriate animal rescue.

Article 10

Impoundment Fees

- 10.1 Any domesticated animal impounded under the provisions of this ordinance shall be released only on payment of a \$25.00 impoundment fee; provided, however, that any domesticated animal impounded for the third time in any calendar year shall be released only on payment of a \$50.00 impoundment fee, and if so captured four or more times in any calendar year, it shall be released only upon payment of a \$100.00 impoundment fee.
- 10.2 Impound fees shall be collected by the Pound Keeper prior to animal being released. All impound fees collected will be delivered by the Animal Control Officer to the Municipal Treasurer. The Enforcement Officer who impounded the animal may remove the animal from impound without regard to impound fees, however boarding fees may still apply.
- 10.3 Any dog that is not currently licensed or having proof of rabies vaccine, must pay a bond of \$50.00, cash only; refunded upon licensing of the dog with the Town Clerk. Bond must be paid directly to the Town Clerk.
- 10.4 In addition to the impoundment fees charged herein, there shall be a boarding charge for each day or fraction thereof during which the domesticated animal is impounded. The boarding charge shall be set annually on or before the 30th day of June. The boarding charge shall remain in effect for one year. The Selectboard shall be responsible for setting the daily boarding charge.
- 10.5 The Selectboard is hereby empowered to increase the impoundment fees and boarding charges provided for in this section by appropriate resolution.

Article 11

Civil Penalties

Any owner, keeper or other person who violates any section of Articles 3, 4, 5 or 6 of this ordinance shall, in addition to any other fees, penalties and remedies as provided by law, be subject to the following progressive civil penalties:

- 11.1 For first violation, a fine of \$25 full penalty or \$15 waived penalty will be assessed. At the discretion of the enforcement officer a verbal warning may be issued.
- 11.2 For second violation, a fine of \$50 full penalty or \$35 waiver penalty will be assessed.
- 11.3 For third violation, a fine of \$75 full penalty or \$55 waiver penalty will be assessed.
- 11.4 For fourth and subsequent violations, a fine of \$100 full penalty or \$75 waiver penalty will be assessed.
- 11.5 Each day that the violation continues, shall constitute a separate violation.

Article 12 Licensing

- 12.1 A person who owns, harbors or keeps a dog more than six months old shall annually on or before April 1 cause it to be registered, numbered, described and licensed on a form provided by the Huntington Town Clerk and shall cause it to wear a collar, and attach thereto a license tag issued by the Town Clerk, and shall pay for the license those amounts permitted or required by 20VSA§3581, as amended. If the license fee for any dog is not paid by July 1, its owner or keeper may thereafter procure a license for that license year by paying a late fee of \$20.00 in excess of that otherwise required.
- 12.2 Before a person shall be entitled to obtain a license for a spayed female or neutered male dog, he or she shall exhibit to the clerk a certificate signed by a duly licensed veterinarian showing that the female or male dog has been sterilized.
- 12.3 Before obtaining a license for a dog six months of age or older, a person shall deliver to the Town Clerk a certificate or a certified copy thereof signed by a duly licensed veterinarian, stating that the dog has received current vaccination against rabies with a vaccine approved by the Secretary, and the person shall certify that the dog described in the certificate or copy is the dog to be licensed. The Town Clerk shall keep certificates or copies thereof on file. The owner of any dog shall maintain a copy of the rabies vaccination form and provide it to state and Huntington officials upon request.
- 12.4 Pursuant to 20VSA§3590, the Selectboard shall annually certify a list of unlicensed dogs as of May 30. Such list shall be given to the Animal Control Officer for licensing and further action as required by law.
- 12.5 A kennel that operates in town must receive a kennel permit from the Town Clerk. The fee for a kennel permit shall be determined by the State of Vermont. Prior to receiving a kennel permit from the Town Clerk, the kennel must provide proof of Pet Merchant License provided by the Vermont Agency of Agriculture.
- 12.6 A person or persons; business whether for profit or non-profit which operates a shelter or rescue, shall receive a permit from the Town Administrator or Animal Control Officer. This entity must provide proof of registration with the Vermont Agency of Agriculture if required by the Secretary. There shall be no fee to operate a shelter or rescue. Shelters and rescues must provide a report of all dogs or wolf hybrids older than 6 months old, with proof of rabies vaccination. This report shall be updated on the 15th day of every month. If the 15th of the month falls on a weekend or extended weekend due to holiday, the report shall be provided to the Town Administrator or Animal Control Officer on the business day prior to closure of the Town Clerks office. The shelter or rescue shall file a report regardless if they have any animals that are regulated by this ordinance. If found in violation of this article, a fine of \$25.00 may be assessed for each day not in compliance. Reports may be submitted in writing on an approved form or by electronic mail.
- 12.7 The enforcement officer may inspect kennels, shelters or rescues with adequate notice, which may be done telephonically. Adequate notice is defined by a minimum of 1 (one) hour from time of phone call. If the enforcement officer is unable to contact the shelter or rescue telephonically, the enforcement officer may contact the shelter or rescue in person and advise said shelter or rescue that an inspection will take place in 1 (one) hour. Inspections of shelters or rescues are intended to verify rabies vaccine status of dogs and to verify humane living standards.
- 12.8 Kennels, shelters, and rescues shall be responsible for all expenses related to impoundment of any animal from their facility. If any kennel, shelter, or rescue desires to surrender any animal to the Town of Huntington, said kennel, shelter, or rescue shall be responsible for all expenses incurred by the Town of Huntington in pursuing proper disposition of said animal.

Article 13 Exemptions

- 13.1 Police service dogs are exempted from the regulations set forth in this ordinance.

Article 14
Severability

14.1 Any part or provision of the ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or provision of this ordinance.

Article 15
Effective Date

This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24VSA§1973, that statute shall govern the taking effect of this ordinance.

This ordinance became effective November 18, 2005