

TOWN OF PLAINFIELD ANIMAL CONTROL ORDINANCE

The Selectboard of Plainfield, Vermont, hereby ordains under the authority of 24 VSA Chapter 59, 20 VSA Sec. 3549 et.seq. and 24 VSA Sec. 2291 (10) (14) (15), and Town Charter Ordinances Section 131-301 through 131-305, adoption of this ordinance regarding certain ANIMALS in the Town of Plainfield.

Section I. Purpose

The purpose of this article is to protect the comfort, health, repose, property, safety, and general welfare of the citizens of the town. In order to accomplish the foregoing purpose, it is deemed necessary to establish a standard for unacceptable animal behavior and care, to provide for procedures for enforcement and appeal, and to establish penalties for violations of this article.

Section II. Duty of maintenance of property and control of animals.

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

Section III. Definitions

As used in this article, the terms are defined as follows:

Animal or Domestic animal: means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo.

Camelids: means any animal of the family camelidae including, but not limited to, guanacos, vicunas, camels, alpacas, and llamas.

Animal Control Officer: The person or persons appointed by the Select Board to police and enforce this article in cooperation with appropriate law enforcement agencies shall include, without limitation, the Plainfield Town Constable.

Dog: Any animal of the canine species.

At large: At large shall mean not under the control of the owner or another individual, either by leash, cord, chain, fence, or other means of physical restraint.

Owner(s): Any person or group of persons who own, harbor, or permit any animal to be or remain in or about a building or premises owned or occupied by them.

Nuisances enumerated:

(1) *Animal nuisances.* Animals are hereby declared a public nuisance under the following circumstances or conditions:

a. An animal that injures a member of the general public; or kills or severely injures a domestic animal or pet; or

b. An animal that repeatedly disturbs the rights or threatens the safety of members of the public; or interferes with the ordinary use and enjoyment of property; or is allowed or permitted to damage the property of anyone other than its owner including, but not limited to, turning over garbage containers or damage to gardens, flowers or vegetables or defecating upon the property of another, or injury or worrying domestic animals and pets; or

c. Animals maintained in an environment of unsanitary conditions or lack of cleanliness or otherwise inhumane care which results in offensive odor or is dangerous to the public health, welfare, or safety of the animal or general population, or which substantially increases the probability of the transmission of disease; or

d. Property that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the animals on the property; or

e. An animal repeatedly, continuously or habitually allowed or permitted to bark, whine, howl, crow, cackle, or make loud noises in an excessive, continuous, or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or

f. An animal that is diseased and dangerous to the public health; or

g. An animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles, or vehicles; or

h. A female dog while in an estrus cycle, unless confined in a building or secure enclosure in such a manner that she cannot come into contact with another dog or create a nuisance by attracting other animals; provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal which is being bred; or

i. A dog permitted to be at large as defined in Section III or to trespass upon the property of another, public or private, except:

1. On the premises of the dog's owner(s);
2. On the premises of the person, whose control the dog is under;
3. On the premises of another person, as long as that person has given permission for the dog to be at large;
4. In an area designated by the Select Board for dogs to be at large.

j. An animal kept or maintained contrary to the conditions of a lawful order issued by the Select Board under Section VIII of this article.

(2) *Other nuisances.* (Reserved).

Section IV. Licensing of dogs

It shall be the duty of every person within the town owning, keeping, or harboring any dog over six (6) months of age, to procure a license therefore in accordance with Chapter 193, Title 20, of the Vermont Statutes Annotated, as amended.

Section V. Animal Control Officer designated duties generally

The Plainfield Town Constable and the Plainfield Town Animal Control Officer are designated to act as animal control officers to enforce the provisions of this article. It shall be the duty of the animal control officer to investigate complaints of animal nuisances and to enforce the provisions of this article. The Select Board shall designate the names of persons and their locations to receive animals for confinement under the terms of this article.

Section VI. General violation

Any animal allowed to become or remain a nuisance as herein defined or a dog that is not licensed, shall be in violation of this civil ordinance and may be impounded. The owner of any animal impounded, if such owner can be identified, shall be guilty of a violation of this civil ordinance and subject to the penalties hereinafter provided.

Section VII. Enforcement and penalties

(a) The animal control officer may seize or impound any animal deemed to be in violation of this civil ordinance if such nuisance, condition, or act occurs in the presence of the officer. The animal control officer shall notify the owner or keeper of such animal, if known, of the location where and the person with whom the animal is confined. If an animal so confined is a licensed dog, or the animal's owner is immediately known, the animal control officer shall forthwith give notice in writing to the owner, mailed to the owner's last-known address by certified mail with return receipt requested, stating that the animal may be reclaimed within six (6) business days from the mailing of said notice. If the dog or animal is not claimed, the dog or animal shall be relinquished to the Central Vermont Humane Society or similar organization to be cared for and disposed of in accordance with their policies. The owner shall be liable for all costs incurred for said care.

(b) If an unlicensed dog or animal whose owner is unknown is impounded by virtue of this article, the animal control officer shall confine such dog or animal for up to six (6) business days. If after six (6) business days it has been impossible to determine the owner of such dog or animal, the dog or animal shall be relinquished to the Central Vermont Humane Society or similar organization to be cared for and disposed of in accordance with their policies. If the owner of an unlicensed dog or animal is located and the owner wishes to reclaim the dog or animal, the animal control officer shall not release the dog or animal until all required licenses have been obtained and evidence of anti-rabies inoculation is shown. The owner shall also pay to the town a fee of ten dollars (\$10.00) plus any charge incurred by the town for the impoundment of the dog or animal. If the dog or animal has been disposed of or destroyed, the owner shall be liable for all costs incurred.

(c) Any person who violates the provisions of this article shall be in violation of this civil ordinance. Enforcement shall follow the procedures and requirements described in [24 V.S.A. § 1974 \(a\)](#) and 1977 et seq. Said violator may, within fifteen (15) days from the date of such violation, waive the issuing of any process by voluntarily paying the violation (waiver) fee as herein prescribed:

Offense	Civil Penalty	Waiver Fee
First Offense	\$75.00	\$50.00
Second Offense	\$115.00	\$75.00
Third Offense	\$300.00	\$200.00
Fourth and subsequent offenses	\$500.00	\$300.00

Each day a violation continues may constitute a separate offense.

(d) In addition to or in lieu of impounding an animal found to be a nuisance animal as defined in Section III of this article, the animal control officer may issue to the known animal owner a notice of complaint. A copy of the notice of complaint shall be filed with the Select Board. The Select Board shall proceed with a hearing in accordance with Section VIII of this article;

(e) Failure to pay any fine assessed, obey an order of the Select Board issued under Section VIII, or file an appeal thereof in a timely manner, shall be deemed a violation of this civil ordinance. The penalty for failing to pay any fine or obey an order of the Select Board, under Section VIII, shall be punishable by a five hundred dollar (\$500.00) civil penalty or three hundred dollar (\$300.00) waiver fee. For the purpose of collection, the town may pursue any and all civil remedies available by law.

(f) The animal control officer is hereby authorized and empowered to enter into private lands, seize and impound animals, and take all reasonable and necessary measures to abate a public nuisance which shall occur in his or her presence.

Section VIII. Procedure for complaints and action

Complaints and hearings.

(1) The animal control officer, in accordance with subsection VII (d), or three (3) legal residents of the town not satisfied with the action of the animal control officer who, upon knowledge that an animal constitutes a public nuisance under this article, may file a written complaint with the Select Board. The complaint shall contain the names and addresses of the three (3) complaining residents, the nature and basis of the complaint, the name and address of the victim or victims, and any other facts that may assist the Select Board in conducting their investigation required by subsection (2) of this section.

(2) The Select Board, within twenty-one (21) days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner or keeper of the 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 the hearing, and the facts of the complaint.

(3) If the animal is found (upon hearing) to be a nuisance under this article, the Select Board may make findings of fact and such order for the abatement of such nuisance as the facts and circumstances of the case may require, including, without limitation, that the animal be disposed of in a humane way, muzzled, chained, or confined; and the owner or keeper of such animal may be assessed damages and/or a fine as outlined in subsection VII (c) not to exceed five hundred dollars (\$500.00). The order shall be sent by certified mail, return receipt requested, or served personally upon the owner or keeper of the animal.

(4) Notwithstanding subsection (1) above, the Select Board may initiate a complaint and hearing upon their own knowledge and action.

Section IX. Appeals

(a) *Actions of the animal control officer.*

(1) Any owner or keeper of an animal found to be in violation of this article by the animal control officer may appeal to the Select Board the action, findings, impoundment charges, or boarding fees by filing written notification to the town clerk within fifteen (15) days of delivery to the owner or date of mailing of notice, of any such charges, fees or fines.

(2) The Select Board shall convene a hearing on the appeal in accordance with the procedures under Sec VIII of this article. The Select Board, after notice and hearing, may determine to uphold or reverse any or all findings, action, charges, fees, or fines and may direct the town treasurer to return any amounts paid as they deem appropriate.

(b) *Actions of the Select Board.* Any owner or keeper of any animal found to be in violation of this article may appeal any decision, order, action, or finding of the Select Board to the Washington County Superior Court. Any appeal from the decision of the Select Board under this article must be filed within thirty (30) days of the rendering of such decision.



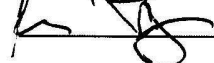
Section X. Savings clause

Nothing herein shall be construed to limit, supersede, repeal, or annul any other law, ordinance, or regulation related to nuisances generally or to animals, including dogs, in particular.

Section XI. Separability

Each separate provision of this article shall be deemed independent of all other provisions of this article and if any provisions of this article shall be declared invalid in a court of law, all other provisions of this article shall remain valid and enforceable.

Adopted at a duly warned meeting of the Plainfield Selectboard May 27, 2014.

 _____ Alice Merrill
 _____ Dave Strong
 _____ Bram Towbin

This ordinance may be disapproved by a vote of the majority of qualified voters of the Town of Plainfield at a special meeting duly warned for the purpose, pursuant to a petition signed by not less than five percent of the qualified voters and submitted to the Selectboard or the Town Clerk of the Town of Plainfield within forty four days following the date of adoption of this ordinance in accordance with VSA 24 Section 1973.