

TOWN OF READING
ANIMAL CONTROL ORDINANCE

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 Reading, Vermont. In order to accomplish the foregoing purpose, it is deemed necessary to establish procedures for enforcement and appeal and to establish penalties for violations of this Ordinance.

SECTION 2 - DUTY OF MAINTENANCE OF PROPERTY AND CONTROL OF A DOMESTIC PET:

No person owning, leasing, occupying, camping upon, or having control of any premises in the Town and no person owning, keeping, harboring or maintaining domestic pet(s) or wolf-hybrid(s) 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 - DEFINITIONS:

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

Domestic Pet or Pet: A dog, cat, ferret, or wolf-hybrid as defined in 20 V.S.A. §3541.

Domestic Animal: Those animals defined by 6 V.S.A. §1151(2).

Dog: A domestic dog or wolf-hybrid as defined in 20 V.S.A., Chapter 193, §3541.

Wolf-hybrid: An animal which is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*). 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. The commissioner of the department of fish and wildlife shall adopt a rule describing primary physical and behavioral wolf characteristics.

Owner: Any person or group of persons who own, harbor, or permit any domestic pet to be or remain in or about building or premises owned or occupied by them.

Animal Control Officer: The Reading Town Constable or any person appointed as a Pound Keeper by the Town Board of Selectmen are authorized to enforce this Ordinance in cooperation with any other appropriate law enforcement agencies.

Run At Large: To move about without constraint, control, or limitation as to property lines or areas.

Uncontrolled Dog: A dog which is running at large, or which while on any public area, place or highway, is not under restraint.

Under Restraint: 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.

Humane Disposal: (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:

Dogs and wolf hybrids:

a. It shall be the duty of every person within the Town owning, keeping, or harboring any dog or wolf hybrid over 6 months of age to procure a license therefore, in accordance with Chapter 193, Title 20 of the Vermont Statutes as amended. This section shall also pertain to wolf-hybrids as required to 20 V.S.A., Chapter 193.

b. In order that it is readily apparent that a dog or wolf hybrid has been vaccinated against rabies, an owner or person otherwise in control of a dog or wolf hybrid 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.

Cats:

c. 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., §3581a. 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 is vaccinated against rabies. If the cat is a feral cat, as defined in 20 V.S.A. §3581a, 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 Town 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 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 the 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 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 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. §3581a; or

b. A dog which has not been licensed in accordance with 20 V.S.A. Chapter 193, as amended; or

c. A pet which bites a person; or

d. A pet kept or maintained contrary to the conditions of 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 area, place or highway within the Town of Reading. Nothing in this Ordinance shall be construed to require the leashing of a dog while on the property of another by permission of that property owner, 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 which runs at large and 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 or pets; or

h. A dog which runs at large and chases and/or snaps at pedestrians, joggers, bicyclists, vehicles, pets being walked on a leash, or horseback riders; or

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 peace 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 can not 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 - ENFORCEMENT AND PENALTIES:

1. When a pet is found to be in violation of this Ordinance, the Animal Control Officer may:

a. Issue a verbal warning to the owner; or

b. Issue a written warning to the owner and file a copy with the Town Clerk; or

c. Issue a Notice of Fine in the amount of \$100.00 to the owner and file a copy with the Town Clerk. The owner must pay the fine in full within 21 days or file a written appeal with the Town Clerk in accordance with sub-section 3 of this Section; or

d. Impound the pet in accordance with Section 9 of this Ordinance.

2. For violations of Section 7, subsections a, b, d, e, g, or h, the Animal Control Officer may file a Notice of Alleged Violation with the owner and the Selectboard. The Selectboard may, after due deliberation, impose a civil penalty of up to \$500 and/or issue a directive that the owner take actions necessary to achieve compliance with the law.

3. Any person who receives a Notice of Fine or Notice of Alleged Violation shall be offered an opportunity, in the notice, for a hearing before the Selectboard, provided that a written request for a hearing is filed with the Town Clerk no later than 21 days after the date of the Notice of Fine or Notice of Alleged Violation. The Notice shall contain a brief description of the alleged violation and identification of the section of this ordinance alleged to have been violated. If the owner does not request a hearing in a timely fashion, the decision shall be

final and the penalty shall be payable within 35 days following the receipt of the Notice.

4. In determining the amount of the civil penalty to be ordered, the legislative body or Animal Control Officer shall consider the following:

- a. The degree of actual or potential impact on public health, safety, and welfare resulting from the violation;
- b. Whether the respondent has cured the violation;
- c. The presence of mitigating circumstances;
- d. Whether the respondent knew or had reason to know the violation existed;
- e. The respondent's record of compliance;
- f. The deterrent effect of the penalty;
- g. The costs of enforcement;
- h. The length of time the violation has existed.

SECTION 9 - IMPOUNDMENT:

1. The 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. In the event that a pet is confined or impounded under this section, the owner, if known, shall be notified within 24

hours. Notification may be accomplished by in-person communication, by telephone call, or by written statement sent to the last known address of the owner. If the owner's address is not known, notification may be posted in the Town Clerk's Office and other usual places for public notice for one week.

4. If the pet is unclaimed within 7 days of the notification of the owner or within 7 days of posting, the Animal Control Officer may dispose of the pet in a humane manner.

5. If the unclaimed pet has been disposed of, the owner shall be liable for all costs incurred by the Town.

6. No impounded pet will be released until all necessary licenses and vaccinations are obtained and until all fees associated with the impoundment are paid in full.

SECTION 10 - 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, whether or not the person bitten requires medical attention for the bite, such person may file a written complaint with the Animal Control Officer or 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 Animal Control Officer or the Selectboard in conducting its investigation required by sub-section (2) below. If the investigation conducted by the Animal Control Officer results a recommendation of action by the Selectboard under SECTION 8 (2) of this Ordinance, the Animal Control Officer shall report the findings of his/her investigation in writing to the Selectboard.

2. The Selectboard, within seven days from receipt of the complaint, either directly or from the Animal Control Officer, shall investigate the charges, if necessary, 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 facts of the complaint. Such notice shall be either delivered in person or by registered mail, return receipt requested.

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 delivered by the Animal Control Officer or 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(2) of this Ordinance.

4. The procedures provided in this section shall only apply if the pet is not a rabies suspect. If the Selectboard or Animal Control Officer determines that the animal is a rabies suspect, the provisions of 20 V.S.A. Chapter 193, Subchapter 5 and the rules promulgated by the Vermont Department of Health shall apply.

SECTION 11 - 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. and Rules adopted by the Vermont Department of Health.

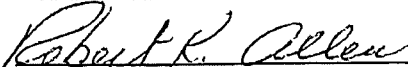
2. All costs associated with the management of a biting animal, rabies suspect animal, or rabies exposed animal shall be borne by the owner.

SECTION 12 - SEPARABILITY:


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

This amendment to the Town of Reading Animal Control Ordinance is adopted this 13th day of April, 1998.

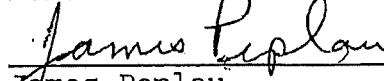
TOWN OF READING
BOARD OF SELECTMEN



Robert Allen



Donald Rowlee



James Peplau

TOWN OF READING
ANIMAL CONTROL ORDINANCE - ADDENDUM

ENFORCEMENT; MUNICIPAL LEGISLATIVE BODY; COMMISSIONER:

1. A municipal legislative body or an officer designated by the commissioner may impose a civil penalty of up to \$500.00 per violation in accordance with the provisions of 20 V.S.A. §3550 et seq.

2. A municipal legislative body may impose penalties for violation of any such provisions of subchapter 1 or 2, refusal to obtain a kennel permit under subchapter 3, or refusal to comply with an order issued by a municipal officer under 20 V.S.A. Chapter 193, Subchapter 5.

3. An officer designated by the commissioner may impose penalties for violation of a rule adopted by a state agency under subchapter 5, violation of a quarantine order issued under subchapter 5, or refusal to comply with an order issued by a state officer under subchapter 5.

4. In determining the amount of the civil penalty to be ordered, the legislative body or officer shall consider the following:

- a. The degree of actual or potential impact on public health, safety, and welfare resulting from the violation;
- b. Whether the respondent has cured the violation;
- c. The presence of mitigating circumstances;
- d. Whether the respondent knew or had reason to know the violation existed;
- e. The respondent's record of compliance;
- f. The deterrent effect of the penalty;
- g. The costs of enforcement;
- h. The length of time the violation has existed.

5. When the legislative body or officer has reasonable grounds to believe that a person has violated a provision of Chapter 193, the legislative body or officer may issue a notice of the alleged violation, which shall be delivered to the respondent in person or mailed to the respondent by registered mail. The notice of violation shall include:

- a. A civil penalty of up to \$500.00.

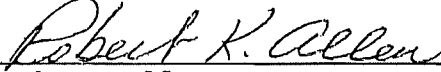
b. A brief description of the alleged violation and identification of the law alleged to have been violated.

c. A statement that the respondent has a right to a hearing before the legislative body or a hearing officer designated by the commissioner at no cost to the respondent, a description of the procedures for requesting a hearing and a statement that failure to request a hearing within 21 days of the date of mailing of the notice shall result in a final decision with no right of appeal.


d. If applicable, a directive that the respondent take actions necessary to achieve compliance with the law.

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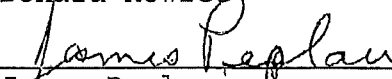
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