

TOWN OF WALDEN
Animal Control Ordinance

Section I. Authority

The Selectboard of Walden, Vermont, acting under authority of 20 VSA Sec. 3549 et. seq. and 24 VSA Sec. 2291 (10) et. seq. hereby adopts and ordains the ordinance regarding certain ANIMALS in the town of Walden, Vermont. Pursuant to 24 VSA Sec. 971 this ordinance is a civil ordinance and shall be enforced in accordance with provisions of 24 VSA Sec 1974 (a) et. seq.

Section II. Purpose

This ordinance is adopted to protect and preserve the health, safety and general welfare of the citizens of Walden.

Section III. Definitions

1. ANIMAL means any DOG or WOLF-HYBRID.
2. DOG means a male or female of the canine species (CANIS FAMILIARIS).
3. OWNER means any person who owns a DOG or WOLF-HYBRID, and includes any person who has actual or constructive possession of the DOG or WOLF-HYBRID. The term also includes those persons who provide food and shelter to a DOG or WOLF-HYBRID.
4. WOLF-HYBRID means any ANIMAL that is the progeny or descendant of a domestic dog (CANIS FAMILIARIS) and wolf (CANIS LUPUS or CANIS FUFUS). WOLF-HYBRID also means any 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 as described by the rule of the Commission of Agriculture.
5. NOTICE means:
 - A. actual NOTICE given orally, or
 - B. written NOTICE either delivered or mailed by registered or certified mail, return receipt requested to the OWNER'S last known address. Such written NOTICE, if mailed, shall be deemed to have been received by the OWNER at 6:00 pm on the first business day after mailing.

Section IV. Prohibition against Roaming

An OWNER of an ANIMAL shall not allow, permit, or suffer such ANIMAL to roam. An ANIMAL is deemed to be roaming at any time when it is not:

1. On a leash, or
2. On or within a vehicle, or
3. On the property of its OWNER, or
4. On the property with the consent of the property owner, or
5. Clearly under the verbal or non-verbal command of the OWNER, or
6. While hunting with the OWNER.

Section V. Prohibition Against Creating a Nuisance

An OWNER of an ANIMAL shall not allow, permit, or suffer such ANIMAL to create a nuisance. The term "nuisance" means any of the following activities:

1. Being on the lands other than those of the ANIMAL'S OWNER, or without permission of the landowner, and, while there, damages property, threatens or injures any person, ANIMAL or livestock.
2. Frequently or habitually barking, howling, yelping or in any other manner unreasonably disturbing the peace and quiet of the persons residing within the town, and lasting for 15 minutes or longer, regardless of the ANIMAL being outside or inside any structure of its OWNER.
3. Posing a threat to the physical safety of persons using adjacent lands or public right-of-ways.

4. Defecating on lands other than those of the ANIMAL'S OWNER, or without permission of the landowner, unless those lands are clearly in a wild or uncultivated area. However, if the OWNER immediately removes the waste the OWNER shall not be in violation of this ordinance.

Section VI. Prohibition Against Certain Activities on Public Lands

An OWNER of a domestic DOG or WOLF-HYBRID shall not allow, permit, or suffer such ANIMAL to be on any public lands where signs stating "No Dogs Allowed" have been posted.

Section VII. Licensing of DOGS

Every DOG or WOLF-HYBRID within the Town of Walden shall be licensed annually in accordance with Chapter 193 Title 20 of VSA as amended. The owner of such DOG or WOLF-HYBRID shall cause it to wear a collar, and attached thereto, a license tag issued by the Town Clerk.

Section VIII. Impounding an ANIMAL

1. It is the intent of this ordinance to resolve a complaint at the lowest possible level. Where appropriate, a warning shall be given prior to issuance of a formal complaint and the party(s) encouraged to resolve the problem directly.
2. Upon complaint to the Animal Control Officer or Selectboard by any person about an ANIMAL that may be roaming or creating a nuisance, the Animal Control Officer will investigate. The Animal Control Officer shall make every effort to contact the OWNER(S) of the ANIMAL(S). Upon verification of the complaint, the ANIMAL that is deemed to be roaming or creating a nuisance may be impounded by the Animal Control Officer of the Town of Walden or by any law enforcement officer or by any person designated by the Town for the control of ANIMALS. This action may be taken in addition to the assessment of penalties for the violation of this ordinance.
3. Any ANIMAL so impounded shall be transported to an impounding facility wherein it shall be kept until proof that such ANIMAL is currently vaccinated against rabies has been provided and payment of established impounding facility's fees has been submitted to the impounding facility. The OWNER of any ANIMAL so impounded shall be notified of the impoundment by the Animal Control Officer, provided the ANIMAL is wearing a reasonable means of identification.
4. Any ANIMAL impounded for more than 10 days, after receipt of NOTICE by the OWNER, may be delivered to the local chapter of the Humane Society and thereafter subject to the policies and procedures regulating such.

Section IX. Penalties

1. This is a civil ordinance. The Selectboard may appoint and from time to time, as is their pleasure, may remove an Animal Control Officer. The Animal Control Officer shall be an official authorized to issue complaints for violation of this ordinance. Any law enforcement officer is also hereby designated as an issuing official who may issue complaints for violations of this ordinance.
2. The following civil penalties are hereby imposed for violation of this ordinance:

First violation of this ordinance	\$40
Second violation of this ordinance	\$80
Third and subsequent violations of this ordinance	\$120

The oldest violation shall be deleted from the OWNER'S record for the purposes of calculating the foregoing penalties and the waiver set forth if the OWNER completes twelve (12) violation free months.

3. Each day a violation continues shall constitute a separate violation.
4. In cases where violation of this ordinance are brought to the Judicial Bureau and where the violation is admitted or not contested, in lieu of the above stated penalties, the following waiver penalties are imposed:

First violation of this ordinance	\$36
Second violation of this ordinance	\$72
Third and subsequent violations of this ordinance	\$108

5. In addition to any other remedy provided in this ordinance or available at law or in equity the Town Selectboard may institute a cease and desist order to prevent, restrain or abate violations of this ordinance.

Section X. Other Laws

1. This ordinance is in addition to other ordinances enacted by the Town of Walden.
2. This ordinance shall not be construed, as waiving the Town's right of enforcement, with regard to any State statute that regulates the OWNER of an ANIMAL. This ordinance is in addition to, and not a substitution for any such statutes.

Duly adopted at a warned meeting of the Walden Selectboard, February 21, 2005

Daniel Lamont

Randolph Wilson

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