

Town of Waterbury: Animal Control Ordinance
Adopted June 4, 2024

Section 1: Authority & Adoption

Pursuant to 20 VSA sec. 3549, 24 VSA chapter 59, and 24 VSA sec. 2291(10), the following ordinance is promulgated in order to regulate keeping of domestic pets in the Town of Waterbury. Any animal control or dog ordinance previously adopted by the Town of Waterbury is hereby amended, by deleting such ordinance in its entirety upon the effective date of the ordinance set forth below, pursuant to 24 VSA sec. 1971 et seq., as amended.

Section 2: Purpose

It is the purpose of this ordinance to regulate the keeping of dogs and wolf hybrids and their running at large and to provide for their leashing, restraint, and control so as to protect the public health and safety of the Town and the quiet enjoyment of the homes and properties of its residents and property owners.

Section 3: Definitions

The following words and phrases, when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Other definitions shall have the meanings ascribed by Vermont law or in the event no legal definition exists, the meaning shall be ascribed by a recent edition of a modern English language dictionary.

Select Board shall mean the legislative body of the Town of Waterbury as it may appear from time to time.

Enforcement Officer shall mean any person appointed Animal Control Officer (ACO) by the Municipal Manager. The ACO need not be a resident of the Town of Waterbury. In the event there is not an appointed Animal Control Officer (ACO) the Municipal Manager shall serve in that capacity.

Town pound & pound-keeper shall mean that place and person designated by the Select Board and Trustees, whether or not within in the town limits, to keep domestic pets which are violating any provision of this ordinance.

Dog shall mean an animal, male and female, which is the progeny of the species *canis familiaris*. For purposes of this ordinance, this term, wherever used, shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.

Wolf-hybrid shall mean an animal which is the progeny of a dog and a wolf (*canis lupus* or *canis rufus*); an animal which is advertised, registered, licensed, or otherwise described or represented as a wolf-hybrid by its guardian or keeper; an animal which exhibits primary physical and behavioral wolf-characteristics.

Domestic pet shall mean any dog or wolf-hybrid kept in a residential setting. The term shall also include such other domestic animals, as the select board shall establish by rule from time to time.

Leash is a physical restraint device attached to a dog's collar and/or body. Leashes must be short enough for a dog owner to physically control his/her animal when necessary to ensure the safety of the public safety and other dogs. Retractable leashes are allowed. An electronic control device such as a shock collar or invisible fence shall not be considered a leash.

Guardian or keeper shall mean any person(s) or entity that cares for, supervises, harbors, keeps, or permits any domestic pet to be in and about their residence, or premises, and includes any person having a domestic pet in his/her possession.

Running at large shall mean any domestic pet which is not on the property of its guardian and is 1) not on a leash, 2) not on or within a vehicle, and 3) without sufficient restraint or control by voice command or confinement. Restraint need not be physical if a reasonable person is able to determine that an animal is under the immediate control of its owner by means of training, habits, or instinct.

Public Park or Park shall mean grounds owned, leased, or managed by the Town of Waterbury and set aside for use and enjoyment by the public for recreation, relaxation, public gatherings, public concerts, farmers' markets, etc., including, but not limited to these locations: Hope Davey Park; the Gazebo Green, so-called at Guptil Rd, Maple Street, and Howard Ave; Anderson Field; Dascomb P. Rowe Field; Community Gardens in Dascomb P. Rowe Field and on Winooski Street; Rusty Parker Memorial Park; Newton Baker Mini-Park; and the Waterbury Dog Park, located adjacent to the Ice Center of Washington West Dog Park shall mean any area owned or leased by the Town of Waterbury and designated as a "Dog Park" by the Select Board or Trustees: said area shall be fenced in and designed for owners of domestic pets to supervise their domestic pets playing or running within the fenced in area.

Recreation Playing Fields shall mean fields designed and maintained for the playing of sports including baseball, softball, soccer, lacrosse, field hockey, ice hockey, football, etc. If a specific playing field is fenced in, this definition applies to the fenced in area of that field. If no fence surrounds a specific playing field, this definition applies to the area where "usual and customary" play for sports takes place. A fence that surrounds or partially surrounds an entire Public Park does not indicate that the entire area within is designated as a Recreation Playing Field.

Public Swimming Pool shall mean the bathhouse, the pool and the fenced in grounds that surround the pool located at Anderson Field.

Public Building shall mean a building, including the grounds on which the building is located, or, space within a building owned or leased by the Town of Waterbury.

Excessive noise shall mean any noise created by a domestic pet that is audible to those persons, other than the guardian of the pet, who are in a location where they are lawfully permitted to

be, that is of such volume, duration, or frequency that to a reasonable person would be improper, disturbing, and disruptive.

Vicious domestic pet shall mean any domestic pet which bites a person or snaps at or tears the clothes, in attempt to bite any person at any time, other than when the animal is restrained within a proper enclosure or on the premises of the guardian; or any domestic animal who has been found attacking, wounding, killing, or worrying another domestic pet, animal, livestock or deer.

Section 4: Running at Large

1. It shall be a violation of this ordinance for any guardian of a domestic pet to permit said pet to be running at large.

Section 5: Domestic Pets on Public Property or Public Grounds

1. It shall be a violation of this ordinance for any guardian of a domestic pet to permit said pet to be off leash, on any public sidewalk or public path.
2. It shall be a violation of this ordinance for any guardian of a domestic pet to permit said pet to be off leash in a public park, unless said park is designated as a dog park.
3. All domestic pets are banned from recreation playing fields, bleachers, dugouts, playgrounds and the public swimming pool and it shall be a violation of this ordinance for a guardian of a domestic pet to allow said pet entry to these areas.
4. All domestic pets may be banned from public property from time to time for a particular purpose upon specific order of the Town Select Board, and it shall be a violation of this ordinance for a guardian of a domestic pet to allow said pet entry to these properties when prohibited.
5. The Town Select Board may establish rules to regulate the presence of domestic pets in public buildings. Such rules shall be posted in a conspicuous place within the public building where the rule applies. It shall be a violation of this ordinance for a guardian of a domestic pet to violate any such rule.

Section 6: Domestic Pets that Bite or Attack (Pursuant to 20 VSA, Ch 193)

It shall be a violation of this ordinance for any domestic pet to bite, attempt to bite or attack any person, domestic animal, domestic fowl, livestock, or deer, except during which time as the animal is defending its property against uninvited trespassing, defending its own welfare, its guardian, or participating in lawful hunting activity.

The Select Board shall hold a hearing within 7 days upon receipt of a written complaint of a vicious dog, rabid dog, or for repeated violations of this ordinance. Upon the close of said hearing, if the Select Board or Trustees determine that the owner violated the ordinance, the governing body may:

1. Petition superior court to enjoin the violation of any provision of this article;
2. Issue a warrant to an enforcement officer directing them to have the subject animal humanely destroyed;
3. Issue an order to have the subject animal muzzled and/or restrained;
4. Issue an order for restitution of any and all damages to be paid by the animal's guardian;
5. Issue an order requiring that the dog be removed from the community; or
6. Any other appropriate relief.

Section 7: Cruelty to Domestic Pets (Pursuant to 13 VSA, Ch 8)

No person shall torture, poison, torment or cruelly neglect providing any domestic pet with necessary sustenance or shelter, or cruelly beat, needlessly mutilate, or cause any domestic animal to be tortured, tormented, beaten, needlessly mutilated, killed or deprived of necessary shelter, or sustenance, except as otherwise permitted by law. It shall be at the discretion of the ACO to investigate if neglect or abuse is suspected of a domestic pet (i.e.: dogs tethered for long periods of time are more likely to be poorly socialized and aggressive) and impound said pet throughout until the investigation is resolved satisfactorily in accordance with the statutes for animal cruelty.

Section 8: Excessive Noise, Disturbance & Nuisance

A guardian or keeper shall not permit a domestic pet to commit a disturbance or nuisance as hereinafter defined:

1. Make excessive noise so as to disturb the quiet of any adjoining landowners or neighbors by barking or howling for a period of 30 minutes or more
2. Cause damage to real or personal property, whether publicly or privately owned;
3. Scatter refuse;
4. Harass, worry, or interfere with pedestrians, bicyclists, or other passersby;
5. Attack persons or other animals;
6. Obstruct traffic;

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 those persons who are in the act of threatening the welfare of the guardian of the domestic pet, the welfare of the domestic pet, or in the act of trespassing upon the private property of the guardian of the domestic pet;
8. Allow their domestic pet to defecate on all public property including sidewalks, public paths, public parks, and on the private property of another person without properly disposing the feces in an impermeable wrapper and properly disposing of it, preferably placing it in a trash receptacle.
9. Otherwise be a nuisance or create a disturbance.

Section 9: Impoundment & Enforcement

1. The ACO shall be the primary enforcement officer under the provisions of this ordinance. In the absence of the ACO or in the situation of an emergency nature, any enforcement officer, including the Municipal Manager, may enforce the provisions of this ordinance.
2. The ACO may use the appropriate equipment and methods such as traps, muzzles, and snares in the act of catching and impounding a domestic pet found to be in violation of this ordinance.
3. A complaint shall be deemed official when a person files a complaint in writing, with the select board, town clerk, or an enforcement officer. The complaint form will include complainant's name, address, contact number, nature of complaint, and description of domestic pet. The description of the domestic pet should include at the minimum, color, size, location, and any distinguishing features. The description may also include breed, gender, and tags.
4. The ACO shall make a reasonable investigation to determine whether a violation of this ordinance has occurred when an appropriate complaint is lodged with the select board, town clerk, or any enforcement officer. If the enforcement officer concludes and establishes through a reasonable investigation that a domestic pet is running at large, causing a disturbance, or creating any concern or is unlicensed, he or she may impound said domestic pet with the pound keeper.
5. Upon impounding any animal, a record shall be made by the ACO of the breed, color, and gender, where it was caught and whether it was licensed. The record of the impounding enforcement officer shall be filed with the town clerk. Upon any domestic pet being impounded, it shall be the duty of the ACO, within 24 hours, to notify the person(s) who own or harbor the animal, if known. If not known, to post at the town

clerk's office a notice, within 24 hours, with a description of the animal and when and where it was picked up.

6. Any enforcement officer may apprehend, quarantine, or impound a domestic pet for ten days when said animal: a) is suspected of being rabid; b) is believed to have been attacked by other animals suspected of being rabid; c) has been attacked by a wild animal; d) has an unknown rabies vaccination; or e) bites a person.
7. In the event an enforcement officer issues an order that a guardian confine or quarantine a domestic pet on the guardian's premises under the provisions of this section, it shall be a violation of this ordinance for the guardian to permit said animal to be taken off the guardian's property until such time as the order is rescinded except with permission of the select board or under the care of a licensed veterinarian.
8. A domestic pet shall be held for ten days unless claimed earlier. If no person entitled to or claiming the possession of any such animal shall claim the animal within ten full days after such notice, the ACO may, at the expiration of the ten days from the date of the receipt or posting of the notice provided for in this section, sell, giveaway or dispose of in a humane manner, any such animal not redeemed or claimed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment and any expenses associated with its transfer or humane disposal.

Section 10: Release from Impoundment

1. A domestic pet shall be considered impounded immediately upon the ACO taking control or possession of the domestic pet.
2. The guardian or keeper entitled to possession of any impounded domestic pet may reclaim said pet upon reimbursement of expenses, fees, and costs incurred by the town for impounding and for maintaining the domestic pet at a pound.
3. Upon payment of the impounding fee from the guardian to the Town, a receipt will be issued for the release of the domestic pet into the guardian's custody.
4. A current dog license is required for the release of any pet if the pet is required to be licensed. If an impounded pet that is required to be licensed is unlicensed, the owner may pay to the Town a deposit fee set by the select board for the purpose of removing said pet from the pound for the purpose of licensure. All fees and costs described in number 2 of this section must be paid as well. If the owner, within five (5) consecutive days of the pet's release from impoundment, presents a valid license for the pet to the ACO or the Town a refund of the deposit fee shall be made to the owner.

Section 11: Fees

1. The Select Board shall set an "Animal Control Ordinance Fee Schedule" listing all fees described in this ordinance and shall file such schedule with the Town Clerk. The Select Board may change the schedule of fees from time to time without the need to amend this ordinance.
2. A separate fee shall be due to the pound for lodging and care. Said fee shall be paid to the Town before the domestic pet can be released from the pound. This fee, due to the pound, will be set by the Select Board in negotiations with the pound keeper. The fees for pound services shall be filed with the Town Clerk and shall be part of the "Animal Control Ordinance Fee Schedule".
3. All fees described in this ordinance or set and described in the "Animal Control Ordinance Fee Schedule", when due, must be paid to the Town. No domestic pet shall be released from impoundment before all fees due the town are paid.

Section 12: Mandatory License

1. A person who is the guardian or keeper of a domestic pet in the Town that is more than six months old shall license their pet(s) with the Town of Waterbury in accordance with the provisions of 20 VSA chapter 193.
2. All domestic pets residing within the Town of Waterbury are mandated to be licensed with the Town Clerk. The license fee, listed at the Town Clerk's office, must be paid and proof of rabies vaccination of one to three years is required for registration. An annual license renewal shall be paid to the Town Clerk upon notice of the month on file per domestic pet. A surcharge, listed at the Town Clerk's office, per license shall be added on for the purpose of calculating a penalty for late payment. The license tag(s) are to be worn by all domestic pets in the community at all times. A dog that is visiting from out of State must wear a collar or harness with a current license from its home state attached.
3. A dog that is found without a collar and license may be immediately impounded.

Section 13: Civil Penalties

Any guardian or keeper who violates any section of this ordinance, in addition to any other fines, penalties and remedies as provided by law, be subject to the following progressive remedies:

At the option of the ACO:

1. The issuance of a verbal warning or letter notifying the guardian take action to prevent the domestic pet from causing a disturbance, nuisance or running at large.

2. The issuance of a verbal warning or letter notifying the guardian to license their pet(s) immediately.
3. Fines listed in the "Animal Control Ordinance Fee Schedule" shall apply;
4. Each day that the violation continues shall constitute a separate violation;
5. For Judicial Bureau tickets: a waiver fee for one-half the penalty to which a guardian is subject shall be assessed for those guardians who admit or do not contest the ordinance violation, which amount and the date for acceptance of the waiver fee shall be affixed to the complaint;

At the option of the Town Clerk in regards to unlicensed pet(s).

1. The issuance of a verbal warning or letter notifying the guardian to license their pet(s) immediately.
2. Fines listed in the "Animal Control Ordinance Fee Schedule" shall apply;
3. Each day that the violation continues shall constitute a separate violation;
4. For Judicial Bureau tickets: a waiver fee for one-half the penalty to which a guardian is subject shall be assessed for those guardians who admit or do not contest the ordinance violation, which amount and the date for acceptance of the waiver fee shall be affixed to the complaint;

Section 14: Severability

Any part or provision of this 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 the ordinance.

Section 15: Repeal of Prior Ordinance

This Ordinance repeals and replaces all prior Animal Control Ordinances or parts thereof in force at the time this Ordinance takes effect.

Section 16: Effective Date

This ordinance shall be effective at midnight the 61st day after the date of adoption by the Select Board.

Animal Control Ordinance Fee Schedule

Animal Control Officer Costs

Hourly Wage: Equal to the hourly labor cost, including fringe benefits, of the individual responding to the call.

Response to Complaint: Hourly Wage plus \$50.00 base charge.

Mileage: IRS non-taxable reimbursement rate.

Pound Fees (Section 11)

Boarding: \$20 per day plus any and all costs liable to the town for boarding fees and animal control officer costs.

Deposit Fee: If an impounded pet is unlicensed, the owner must pay a deposit fee of \$200 to remove the pet from the pound for the purpose of obtaining a license. All other fees and penalties must be paid prior to release of the pet. The Town will refund the deposit fee to the owner if presented with a valid license for the pet within five consecutive days of the pet's release.

License Fees (section 12)

Annual License Fee: \$11.00 for spayed or neutered dog, \$15.00 for unspayed or unneutered dog

Penalty for Late Payment after April 1st: \$10.00

Civil Penalties (section 13)

Unlicensed Pet violation: \$50.00, waived if owner obtains a license within five consecutive days after receiving formal notice of the violation

For All Other Offenses:

First Violation: \$50

Second Violation: \$75

Additional Violations: \$100