

TOWN OF MORGAN

ANIMAL CONTROL ORDINANCE

Section 1. Authority. This ordinance is adopted by the select board of the Town of Morgan under the authority of 20 V.S.A. section 3549, 24 V.S.A. section 2291 (10), (14), and (15) and 24 V.S.A. Chapter 59.

Section 2. Purpose. This ordinance is adopted to protect the health, safety, and welfare of the residents and to protect the quiet enjoyment of their homes and properties in the Town of Morgan.

Section 3. Definitions.

- A. Dog shall mean any member of the canine species.
- B. For purposes of this ordinance, this term whenever used shall also include “wolf-hybrids” and working farm dogs except where specifically exempted.
- C. Domestic animal means those animals defined by 6 V.S.A. section 1151 (2) as follows: cattle, sheep, goats, equines, deer, American bison, swine, poultry, geese, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites, (ostriches), rhes, and emus), and water buffalo.
- D. Domestic pets means but not may not include such other animals as the Secretary shall establish by rule provided that the animal has the potential to become an eminent danger to public health and welfare.

Enforcement officer. Means the Town of Morgan animal control officer, Sheriff, State police, or if need be the Town Health Officer, game warden and any person appointed by the select board and does not need to be a town resident.

Owner. Means any person having temporary or permanent custody of, sheltering, or providing

food to an animal as defined above under definitions A ,B, C and D.

At Large. Running at large means that an animal is **not**:

1. On a leash;
2. In a vehicle;
3. On the owner's premises.
4. On the premises of a person other than the owner with that persons permission;
5. Clearly under the verbal control or non-verbal control of the owner;
6. In the case of a dog, hunting with the owner;
7. A working farm dog protecting and herding farm animals

Pound. Shall mean any kennel, or other facility for holding or housing a nuisance animal as determined by an enforcement officer. The facility may but is not required to be in the Town of Morgan, and the locations may be designated by the Select Board.

Nuisances. An owner of a domestic animal or pet shall not allow any of the following;

1. Runs at large for 3 or more incidents in a ninety day time period;
2. Harasses or attacks another animal, or person, unless such person is trespassing on the private property of the owner or keeper.
3. Disturbs the peace and quiet by frequent or persistent barking, howling or other loud consistent noises for a period in excess of 30 minutes.
4. Molests or attacks passer-by or passing vehicle;
5. Damages private or public property;
6. Is unvaccinated for rabies, or unlicensed per State requirements;
7. License and rabies tags are to be worn on the collar or harness if the animal is off the premises of the owner.

Section 4: Vicious dog. Shall mean any dog which without provocation, attacks or bites or has attacked or bitten, a human being or other animal or reasonably places a person in fear of being attacked or bitten while the dog is off the premises of the owner.

Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting shall be considered a vicious dog.

Section 5. Complaints; Any person, upon personal knowledge that a dog is vicious, may file a written complaint with the Select Board. The complaint shall contain the name and address of the complainant, the time, date and place where any attack(s) occurred, and the name and address of any victim (s) if not the complainant. The complete facts and any other information that may assist the Select Board such as the name of the owner of the dog , location and address of the incident.

Section 6. Hearing; The Select Board within 14 days from receipt of such complaint shall hold a hearing on the matter. If the owner of the dog can be ascertained with due diligence, said owner shall be provided a written notice by US Mail, first class postage paid of the date and place of the hearing and be provided with a copy of the complaint, or actual oral notice at least three business days before the hearing. The Select Board may, but is not obligated to investigate the complaint itself, or may appoint an agent to do so.

Section 7. Order. If the dog is determined to be a vicious dog as defined in this ordinance then the Select Board may issue an order without limitation, that the dog be disposed of in a humane manner, muzzled, chained, confined or relocated. The order shall be sent by certified mail, with return receipt requested, to the owner at the owners last known address.

PENALTIES

Section 1. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. section 1974a and section 1977 et seq. For enforcement purposes, the issuing municipal officials are as defined in subsection 3 above

Section 2. A written warning shall be sent to the dog's owner for the first violation of this ordinance. Any person found to have violated any section of this Ordinance shall be assessed a civil penalty beginning **after** the first written warning.

1. First Offense; \$25.00-----\$15.00 waiver penalty
2. Second Offense \$50.00-----\$35.00 waiver penalty
3. Third Offense \$100.00 + impoundment costs if public safety requires it--\$75.00
waiver penalty
4. Subsequent Offenses--\$100.00 per animal involved.

All fines shall be paid prior to the release of the animal from the pound, should impoundment be necessary.

It is the owner's responsibility to pay all veterinary fees and penalties for violating this Ordinance. Such fees shall include medical treatment, vaccines, boarding and public advertising fees.

VALIDITY

Section 1. All existing Town of Morgan ordinances or parts thereof in conflict are hereby repealed.

Section 2. This ordinance may be amended from time to time by the Town of Morgan as provided by law.

Section 3. This ordinance shall be in full force and in effect sixty (60) days from the date of its adoption unless a petition is filed in accordance with Title 24, Section 1973, VSA in which case the effective date shall be governed by the provisions of Title 24, Section 1973 (c) VSA.

The within and foregoing Ordinance was adopted, pursuant to law by the Town of Morgan
Select Board on November 14, 2016

Town of Morgan Select Board:

Larry Labor, Chair

Tom Bonneville

Robert Guyer

A True Record

Attest:

Tammylee Morin

Town Clerk