

TOWN OF ORANGE
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NOTICE OF ADOPTION OF ANIMAL CONTROL ORDINANCE

On May 13, 2024 the Selectboard of the Town of Orange, VT adopted the Animal & Nuisance Ordinance pursuant to the Town of Orange Selectboard. This notice is published pursuant to 24 V.S.A. § 1972 to inform the public of this ordinance and of the citizen's right to petition for a vote to disapprove this ordinance. The purpose of this ordinance is to promote the health and safety of all residents by providing an ordinance regarding animal control.

The full text of the Ordinance may be examined at the Orange Center School, Orangevt.org, Orange Town Office, or Town Hall at 392 US Route 302, Orange, VT during regular business hours.

CITIZENS RIGHT TO PETITION FOR VOTE Title 24 V.S.A. § 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting to disapprove ordinance adopted by the Selectboard. To exercise this right, citizens must present to the Selectboard or the Town Clerk a petition for a vote on the question disapproving of the ordinances signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the ordinances. Unless a petition requesting a vote is effective sixty (60) days from the date of said adoption.

PERSON TO CONTACT Additional information pertaining to this ordinance may be obtained by contacting Ginny Raboin, Town Clerk/Treasurer by calling 802-479-2673 or in person at 392 US Route 302 Orange, VT during regular business hours.

Town of Orange, Vermont

Animal & Nuisance Ordinance

Section 1. 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 animals(s) to become or remain a public nuisance as herein defined.

Section 2. Definitions.

As used in this ordinance the terms are defined as follows:

Animal Control Officer: The person or persons appointed by the Selectboard to police and enforce this ordinance in cooperation with appropriate law enforcement agencies.

Dog: Any animal of the canine species or wolf hybrid

Animal: Any domestic animal or pet

Owners: 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. *Anyone who picks up a stray animal is responsible for bringing said animal to the impound.*

Nuisances enumerated:

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; harasses or kills or severely injures a domestic animal, pet or livestock;
- 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 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;
- c. Animals maintained in an environment of unsanitary conditions or lack of cleanliness, or in otherwise inhumane care or as described in VT Statutes 13 V.S.A. § 352 Cruelty to Animals.
- d. An animal repeatedly, continuously or habitually allowed or permitted to bark, whine, howl or make loud noises in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises;
- e. An animal that is diseased and dangerous to public health;

- f. An animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, walkers, dogs walked on a leash by its owners, bicycles or vehicles.
- g. Exclusion: Except for dog bites which must be reported within 48 hours to the Town Health Officer, an animal acting in the defense of its owner and/or owner's property is excluded from the provisions of this ordinance.

Section 3. Licensing of dogs

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

Section 4. Animal Control Officer designated duties generally

The Town of Orange Animal Control Officer is to investigate complaints of animal nuisances and to enforce the provisions of this ordinance. The Town Selectboard shall designate the names of persons and their locations to receive animals for confinement under the terms of this ordinance.

Section 5. General Violation

Any animal allowed to become or remain a nuisance as herein defined, or a dog that is not licensed by April 1st of every year 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 6. Enforcement and penalties

- a. The Animal Control Officer may seize or impound any animal which is deemed to be in violation of this civil ordinance. If the owner is not immediately known the Animal Control Officer may relinquish the dog or animal to the organization designated by the Selectboard to be cared for and disposed of in accordance with their policies. The owner will be liable for all costs incurred for said care including the monies owed to include, but not limited to, impound and boarding fees. Payment must be made directly to the pound keeper before picking up the impounded animal.
- b. If an unlicensed dog, or animal whose owner is unknown, is impounded by virtue of this article, the Animal Control Officer shall relinquish the dog or animal to the organization designated by the Selectboard 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 rabies inoculation is shown. There will be a 30-day grace period for residents to obtain inoculation. The owner must show proper inoculation paperwork to the Town Clerk and also register the dog(s) with the Town Clerk. The owner shall be liable for all costs incurred.

- c. Any person who violates the provisions of this ordinance shall be subject to the following. Said violator may, within 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 to be a nuisance animal as defined in this ordinance, the Animal Control Office may issue to the known animal owner a notice of complaint. A copy of the notice of complaint shall be filed with the Selectboard. The Selectboard shall proceed with a hearing.
- e. Failure to pay any fine assessed, obey an order of the Selectboard issued under this ordinance, 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 Selectboard, 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 seize and impound animals and take all reasonable and necessary measures to abate a public nuisance which shall occur in his or her presence.

Adoption History:

Agenda item at regular Selectboard meeting held on: 4/22/24
Date

Adopted at a regular Selectboard meeting on: 5/13/24
Date

Posted in five public places on: 5/14/24
Date

Notice of adoption published in the World newspaper with a notice of the right to petition
(must be within 14 days of adoption) on: 5/22/24
Date

Adopted by the Selectboard this _____ day of _____, 2024.

Steve Simpson, Selectboard Chair

Kevin Wilson, V. Selectboard Chair

Wayne Symonds, Selectboard Member