

Waterford Selectmen's Meeting
Monday, February 11, 2019
Town Clerk's Office

Attendees:

Selectmen: Gary Allard, Fred Saar, Bill Piper (phone)

Road Foreman: Lisle Houghton

Town Clerk: Jessy Pelow

Treasurer: Steven Eddy

Listers: Michael Keach, Howard Remick, Leslie Blodgett

Citizens: Dave Morrison, Kevin Gillander

Opening: Fred opened the meeting at 7:30pm.

Modification of Agenda: Fred added under Highway "revised road & bridge standards"

Approval of Minutes: Gary made the motion to approve the January 14th minutes. Bill seconded the motion. All approved. Orders were signed. Budget report presented to date.

Town Board Representative: Listers reported meeting with CAI and that there is a "staff site" available for the Town for a yearly fee if interested. Selectboard will hold off.

PACIF Grant for Blocking Device: Lisle found a pair of blocking devices for \$1250.00. This safety blocking device is needed for the Highway Department when maintaining vehicles. These are eligible for up to 50% reimbursement through the PACIF grant. Lisle and Jessy will submit the grant. Gary made the motion for Lisle to purchase the blocking devices in the amount of \$1250.00. Bill seconded the motion. All approved.

Mitchell Driveway Access Permit Update: Mitchell is working to complete his subdivision but, in the meantime, needs a field access. Lisle will okay the "field access" for Mitchell. Chris will hold the original Driveway Permit in the Mitchell Subdivision folder until time to complete.

Driveway Plowing Operations Update: Nothing further.

ADA Traffic Control Contract: No action taken.

Sign 2019 Certificate of Highway Mileage: Selectboard signed the 2019 Certificate of Highway Mileage.

Municipal Roads General Permit: Completed and filed. Annual fee of \$1350.00 due by July 1st. Steve will pay the amount due.

Revised Roads & Bridge Standards: Fred informed Lisle of the revisions in preparation for the Annual Highway Meeting with Shauna.

Other: Chisholm driveway access permit was submitted. Gary made the motion to approve the Chisholm driveway access permit. Fred seconded the motion. All approved.

Recycling Committee Update: Selectboard will meet sometime in March with the committee.

Unified Development Bylaw Update: Deferred until March.

Animal Control Ordinance Update: Gary made the motion to approve the updated animal control ordinance. Fred seconded the motion. All approved. See attached ordinance.

Peterson Letter Update: Letter was sent. No response to date.

Other: Gary spoke with Linda Mitchell to provide a survey regarding Town Meeting date and time.

Vermont Green Up Appropriation: Gary made the motion to donate \$100 to Vermont Green Up Inc. Fred seconded the motion. All approved.

USPS Lease Renewal: Deferred until March.

Sign Certificate of No Appeal: Selectboard signed the Certificate of No Appeal.

Other: Request from Deb Benoit to sell Girl Scout Cookies at Town Meeting. Selectboard okayed.

Executive Session-Personnel: Selectboard went into executive session at 8:15pm. Came out of executive session at 8:45pm. Discussed personnel issues, no decisions.

Adjourn: Bill made the motion to adjourn. Gary seconded the motion. Adjourned at 8:50pm.

Approved:

Jessy Pelow

Date:

Town Clerk

Town of Waterford, VT
Animal Control Ordinance

SECTION 1. AUTHORITY. This ordinance is adopted by the selectboard of the Town of Waterford under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), 2291 (14 & 15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this Ordinance is to protect the health, safety, and welfare of the public, domestic pets, domestic animals, dogs and wolf hybrids of the Town of Waterford by regulating the keeping of domestic pets, domestic animals, and wolf-hybrids by defining what constitutes a public nuisance. In order to accomplish the foregoing purpose, it is deemed necessary to establish procedures for enforcement and establish penalties for violations of this ordinance.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply:

- A. **“Animal”** means any Dog, Wolf Hybrid, domestic pet, domestic animal or domestic fowl.
- B. **“Dog”** means any member of the canine species;
- C. **“Wolf hybrid”** means:
 - 1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*);
 - 2. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
 - 3. An animal that exhibits the primary physical and/or behavioral wolf characteristics of a wolf as described by the Commissioner of the Department of Fish and Wildlife.
- D. **“Owner”** means any person who has actual or constructive possession of a dog or wolf hybrid. The term also includes those persons who provide food and shelter to a dog or wolf hybrid.
- E. **“Running at large”** means that a dog or wolf hybrid is:
 - 1. Not on a leash;
 - 2. Not in a vehicle;
 - 3. Not on the owner’s property;
 - 4. On the property of another person without that person’s permission;
 - 5. Not clearly under the verbal or non-verbal control of the owner; or
 - 6. Not hunting with the owner.
- F. **“Vicious dog or wolf hybrid”** means a dog or wolf hybrid that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 3541.
- G. **“Public Nuisance”** shall mean any conduct which endangers life, health, or property or which reasonably annoys, injures, or disturbs, or intrudes upon the free use and quiet enjoyment of public lands in Waterford.
- H. **“Public Road”** shall mean the area within 25' of the center line of the traveled way on any state or town owned highway.

SECTION 4. DISTURBANCES AND NUISANCES.

- A. No dog or wolf hybrid shall run at large in the town.
- B. No dog or wolf hybrid shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog or wolf hybrid.
- C. A female dog or wolf hybrid in heat shall be confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. No person shall own, keep or harbor a dog or wolf hybrid that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.
- E. Any domestic pet, domestic animal, or wolf-hybrid allowed to become or remain a public nuisance as herein defined shall be in violation of the Ordinance and is subject to the provisions of this Ordinance.
- F. No person shall permit any domestic fowl, goat, sheep, swine, horse or cattle or other livestock belonging to him or in his charge to go at large, loose or unrestricted in any public road within the limits of the Town or on any land therein thrown open as a way for public travel and used by the public for travel although such way be not legally a public street, or go at large elsewhere in the Town.

SECTION 5. POOPER SCOOPER. The person in control of a dog or wolf hybrid that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

SECTION 6. COLLAR AND LICENSE.

- A. Annually on or before April 1st, it shall be the duty of every person within the Town owning a dog or wolf hybrid more than six months old to:
 - 1. Procure a Town license therefore in accordance with Chapter 193, Title 20 of the Vermont Statutes,
 - 2. Cause the dog or wolf hybrid to wear a collar, and
 - 3. Attach to the collar a license tag. The dog or wolf-hybrid shall be inoculated against rabies as required in Chapter 193, Title 20 of the Vermont Statutes.
- B. A dog or wolf hybrid that is found without a collar or harness and/or current license shall be immediately impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.

SECTION 7. HUMANE CARE OF DOGS AND WOLF HYBRIDS. All dogs and wolf hybrids shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog or wolf hybrid determined by the constable, sheriff or animal control officer to be without such clean and safe facilities may be impounded.

Except when in a cage or on a leash and not causing a danger or nuisance, a wolf-hybrid shall be confined within a proper enclosure consisting of:

- 1. A locked fence or structure of sufficient height and sufficient depth into the ground to prevent the entry of young children and to prevent the animal from escaping. Fencing shall at a minimum consist of an 8' high chain link fence with a 2' overhang and a chain link, concrete apron, or asphalt apron to prevent digging out and a catch pen to avoid escape and ease veterinary care.

2. A humane shelter for the animal.

SECTION 8. ENFORCEMENT. This is a civil ordinance and shall be enforced by the constables, sheriff, animal control officer, or other designated Town officials in accordance with 24 V.S.A. §§ 1974a et seq. using a Municipal Citation.

Any citizen may submit a written complaint to the Constable or Animal Control Officer of the Town of Waterford. Any citizen may deliver a found dog to the Constable or Animal Control Officer if such dog is found in the Town of Waterford.

The Constable or Animal Control Officer of the Town of Waterford shall investigate complaints of dogs and violations, and shall institute action, formalize complaints against owners, and enforce all provisions set forth herein.

SECTION 9. IMPOUNDMENT.

- A. Any dog or wolf hybrid that is determined by a constable, sheriff or animal control officer to be a vicious dog or wolf hybrid which presents an imminent danger to people or other animals shall be immediately impounded.
- B. Any dog or wolf hybrid that is apprehended for a third or subsequent violation of any provision of this ordinance shall be impounded.
- C. A dog or wolf hybrid may be impounded for up to three days by the Animal Control Officer. After this period, unless specific arrangements are made by the Owner, arrangements will be made to transfer the animal to a shelter or other appropriate facility.

SECTION 10. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.

- A. The officer who impounds a dog or wolf hybrid shall, within 24 hours, make a diligent effort to give notice to the owner thereof, either personally, by telephone call, by written notice, or by a combination thereof at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.
- B. If an impounded dog or wolf hybrid has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. § 3806.
- C. Impounded animals shall be released to the owner only after remedial action by the owner. Remedial action shall include but is not limited to such actions as providing a collar and current license and providing a plan for compliance with the provisions of this ordinance and with state law.
- D. The Animal Control Officer shall prepare a Request for Reimbursement form for fees and charges associated the impoundment and provide the form to the animal's owner and Town Treasurer. The Treasurer will invoice the Owner for the accrued charges. It is the Town's policy to pursue unpaid fees and charges thru payment plans or Small Claims Court. The Town's Fee Schedule is attached as Exhibit A.

SECTION 11. INVESTIGATION OF VICIOUS DOGS OR WOLF HYBRIDS

- A. When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with 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 Selectboard in conducting its investigation.

- B. The Selectboard, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid 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 hearing and the facts of the complaint.
- C. If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent 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 the penalties provided in 20 V.S.A. § 3550.
- D. The procedures provided in this section shall only apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the Selectboard or a municipal official designated by the Selectboard determines that the animal is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193, and the rules of the Department of Health, shall apply.

SECTION 12. PENALTIES AND COSTS.

- A. Failure To License – Any person within the Town who fails to obtain a license as required by Chapter 193, Title 20 of the Vermont Statutes shall be subject to the following penalties:

	<u>Fine</u>	<u>Waiver Fine</u>
April 2 nd	\$50.00	\$25.00
April 16 th	\$75.00	\$50.00
May 2 nd	\$100.00	\$75.00
May 16 th	\$150.00	\$100.00
June 2 nd	\$200.00	\$150.00

If the animal in violation is not licensed by June 3rd of each year the animal will be impounded and all costs of impoundment shall be paid by the Owner.

- B. Disturbances and Nuisances – The following fines shall be assessed for disturbance and nuisance violations:

	<u>Fine</u>	<u>Waiver Fine</u>
1 st Offense	\$50.00	\$25.00
2 nd Offense	\$100.00	\$50.00
3 rd Offense	\$200.00	\$100.00

The fourth and subsequent offenses shall result in a fine of \$300.00 (both Fine and Waiver Fine) and the impoundment of the animal. All costs of impoundment shall be paid by the Owner.

SECTION 13. RIGHT OF APPEAL. The actions of the enforcing personnel under this Ordinance are subject to written appeal before the Selectboard within ten (10) days of the disposition of the complaint by the enforcing officer.

The Selectboard shall consider the following:

1. The degree of actual or potential impact on public health, safety, and welfare resulting from the violation.
2. Whether the respondent has cured the violation.
3. The presence of mitigating circumstances.
4. Whether the respondent knew or had reason to know the violation existed.
5. The respondent's record of compliance.

- 6. The deterrent effect of the penalty.
- 7. The costs of enforcement.
- 8. The length of time the violation has existed.

SECTION 14. OTHER LAWS. This ordinance is in addition to all other Ordinances of the Town of Waterford and all applicable laws of the State of Vermont.

SECTION 15. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 16. EFFECTIVE DATE. This ordinance shall become effective _____ days after its adoption by the Waterford selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

DATE

SIGNATURES

Exhibit A – Waterford Animal Control Fee Schedule

Phone Contact with Animal Owner - \$25.00

Calls with complaints about animals do not involve recurring incidents and are related to an event that occurred recently and has no historical component. At their discretion, the Animal Control Officer may elect to call the animal's owner, discuss the complaint, and discuss the need to mitigate the complaint. If appropriate, the Animal Control Officer may also discuss the enforcement options under Waterford's Animal Control Ordinance.

The reimbursement for phone contact with the owner is by complaint, not by calls made to contact the owner.

On-Site Visit to Resolve A Complaint - \$75.00

An on-site visit to an animal's owner is necessary if the owner cannot be reached, if the owner is not cooperative with resolving the complaint, if the animal needs to be impounded, etc.

Animal Pickup - \$20.00

In some cases, the Animal Control Officer will need to pick up a animal.

Animal Boarding - \$10.00 per day (Maximum three days)

In some cases, it will be necessary to board and feed an animal. If boarding exceeds three days contact the Town Clerk for approval to extend.

Mileage – Current GSA Rate

If the Animal Control officer needs to travel to meet with an owner, pickup an animal, return an animal, or dispose of an animal the mileage reimbursement is at the current GSA Rate. The IRS and GSA set the rate for each year, and the rate is effective on January 1st. See <https://www.gsa.gov/travel/plan-book/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates>