

PERU ANIMAL CONTROL ORDINANCE

INTRODUCTION

The Selectboard of the Town of Peru, Vermont, acting under the authority of 20 V.S.A. Chapter 193 and 24 V.S.A. 2291 (10), et seq. hereby adopt and ordain this ordinance regulating certain Animals in the Town of Peru. Pursuant to 24 V.S.A. 1971, this ordinance is a civil ordinance, and shall be enforced in accordance with the provisions of 24 V.S.A. 1971a, et seq.

SECTION 1. PURPOSE

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

SECTION 2. DEFINITIONS

- a. "Animal" means any DOMESTIC PET.
- b. "DOMESTIC PET" means domestic dogs, domestic cat, and any other domestic animal as the Commissioner of the Department of Agriculture, Foods and Markets or his or her designee shall establish by rule.
- c. "DOG" means any member of a canine species.
- d. "OWNER" means any person who owns a domestic pet, and includes any person who has actual or constructive possession of the domestic pet. The term also includes those persons who provide feed or shelter to a domestic pet.
- e. "NOTICE" means;
 1. Actual notice given orally, or
 2. Written notice either delivered by registered or certified mail.

SECTION 3. PROHIBITION AGAINST ROAMING

An owner of an animal shall not allow the animal to unreasonably roam, run or otherwise traverse the premises of another to the extent that the owner or custodian of such premises objects or complains of such action.

SECTION 4. 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:

- a. Being on lands other than those of the ANIMAL'S OWNER and while there damaging property, threatening or injuring any person, ANIMAL or livestock.

- b. Frequently or habitually barking, howling, yelping or in any other like manner unreasonably disturbing the peace and quiet of the persons residing within the town, regardless of the ANIMAL being outside or inside any structure of its OWNER.
- c. ANIMALS that are maintained in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare or safety or which substantially increases the probability of transmission of disease.

SECTION 5. PROHIBITION AGAINST CERTAIN ACTIVITIES ON PUBLIC LANDS

An OWNER of a dog shall not allow, permit or suffer such ANIMAL to be on any public lands where signs stating “No Dogs Allowed” have been posted.

SECTION 6. IMPOUNDING AN ANIMAL

- a. Upon complaint by any person, an ANIMAL that is deemed to be roaming or creating a nuisance may be impounded by the Animal Control Agent of the Town of Peru or any other person designated by the Town for the control of ANIMALS. This action may be taken in addition to the assessment of penalties for violation of the ordinance.
- b. Any ANIMAL so impounded shall be transported to an impounding facility wherein it shall be kept until proof that such ANIMAL is currently vaccinated for rabies is provided and payment of established impounding facility fees is submitted to the impounding facility. The OWNER of any ANIMAL so impounded shall be notified of the impoundment provided the ANIMAL is wearing a reasonable means of identification or license.
- c. Any ANIMAL impounded for more than 10 days, after receipt of NOTICE BY THE OWNER, may be destroyed or delivered to the local chapter of the Humane Society. Any OWNER, if known, who elects not to redeem his or her ANIMAL shall remain liable for the costs of impoundment, fees and penalties

SECTION 7. PENALTIES

- a. This is a civil ordinance. The Selectboard may appoint, and from time to time at their pleasure, may remove an Animal Control Agent. The Animal Control Agent or Selectboard shall be an official authorized to issue complaints for violation of this ordinance.
- b. The following civil penalties are hereby imposed for violation of this ordinance:

First violation of this ordinance	\$15.00
Second violation of this ordinance	\$30.00
Third and subsequent violation of this ordinance	\$50.00

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

- a. Each day a violation continues shall constitute a separate violation.
- b. In cases where violations of the ordinance are brought to the Traffic and Municipal Ordinance Bureau, and where the violation is admitted or not contested, in lieu of the above, the following waiver penalties are imposed:

First violation of this ordinance	\$10.00
Second violation of the ordinance	\$25.00
Third and subsequent violations of the ordinance	\$45.00
- c. In addition to any other remedy provided in this ordinance or available at law or in equity, the Town Selectboard may institute a suit for an injunction to prevent, restrain or abate violations of this ordinance.

SECTION 8. OTHER LAWS

This ordinance shall not be construed as waiving the Town's rights 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 ordinance.

PERU SELECTBOARD

Adopted: May 3, 2000

Effective: July 3, 2000