

TOWN OF NEW HAVEN, VERMONT
ORDINANCE REGULATING LIVESTOCK RUNNING AT LARGE

Purpose and Authority:

The Selectboard of the Town of New Haven finds that Livestock Running at Large causes damage to private property and public property and presents a significant danger to motorists traveling on Town highways and State highways within the Town. Livestock Running at Large may also transmit communicable diseases to Livestock that is properly fenced and contained. Accordingly, the New Haven Selectboard finds Livestock Running at Large in the Town of New Haven to be a public nuisance.

The purpose of this Ordinance is to abate and remove this public nuisance by establishing reasonable regulations for impoundment of Livestock Running at Large and to thereby protect the health, safety, and welfare of the public and the quiet enjoyment of New Haven residents' homes and property. This Ordinance is adopted by the New Haven Selectboard under the authority of 24 V.S.A. §2291(14) and (15). This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

Definitions:

For purposes of this Ordinance, the following words and phrases shall apply:

Enforcement Officer means any Law Enforcement Officer, Animal Control Officer, Constable, or other person designated an Enforcement Officer under this Ordinance by the New Haven Selectboard. Nothing herein shall prohibit the Selectboard itself from serving as an enforcement officer in appropriate circumstances.

Impoundment Expenses means expenses incurred by the Town for the impoundment of livestock pursuant to this Ordinance, including, but not limited to, enforcement officer charges and fees; costs associated with the transportation, boarding, feeding and care of the livestock; and veterinary expenses deemed reasonably necessary to the life or health of the livestock, and any other animals with which they may interact, by a veterinarian licensed to practice in Vermont.

Livestock means bovines, cattle, sheep, goats, equines, horses, swine, American bison, fallow deer, cervids, camelids, ratites, rabbits, pheasants, chukar partridge, coturnix quail, guinea hens, chickens, ducks, turkeys, llamas, alpacas, yaks, water buffalo, or any other animal that can or may be used in and for the preparation of meat, fiber, fur, or poultry products. In addition, the term "Livestock" shall include any other animals, pets, or reptiles that are not routinely raised in or native to Vermont.

Owner means any person who owns Livestock or who has actual or constructive possession of Livestock.

Remedial Action means the action of the Owner of Livestock, as directed by an Enforcement Officer, necessary to securely contain the Livestock on the Owner's property. Remedial Action may include, but is not limited to, construction or repair of fences, gates, pens, corrals, paddocks, sties, barns, or other structures necessary to adequately contain and/or adequately shelter the Livestock on the Owners' property; it may also include ensuring suitable arrangements to have sufficient feed, hay, water, etc. on hand on the Owners' property.

Run at Large or Running at Large means off property owned or leased by the Owner and not under the control of the Owner or an agent of the Owner.

1. Prohibition:

The Owner of Livestock shall not allow or permit such Livestock to Run at Large in the Town of New Haven. The Owner of Livestock may be excused from the obligations imposed by this Ordinance if the Owner can demonstrate that the Running at Large was caused by a natural disaster or other significant emergency.

2. Impoundment:

- (A) An Enforcement Officer may immediately impound, at an impoundment facility designated by the Selectboard, any Livestock found Running at Large in the Town of New Haven. If the Selectboard has not designated an impoundment facility or the designated impoundment facility is not appropriate or available for the Livestock to be impounded, then the Enforcement Officer may use some other appropriate barn or enclosure for that purpose.
- (B) Within twenty-four (24) hours after impounding such Livestock, the Enforcement Officer shall give written notice to the Owner, informing the Owner of the violation of this Ordinance, the location in which the Livestock has been impounded, and the Remedial Action necessary to release the Livestock from impoundment.
- (C) The Remedial Action shall be completed by the Owner within forty-eight (48) hours of the notice.
- (D) Impounded Livestock shall be released to the Owner only upon satisfactory completion of the Remedial Action and payment of all Impoundment Expenses owed to the Town. The Enforcement Officer shall be authorized to enter the Owner's property to inspect fences, gates, pens, corrals, paddocks, sties, or other structures to determine if the Remedial Action has been completed.
- (E) If the Owner of the Livestock is unknown, the Enforcement Officer shall, within twenty-four (24) hours of impoundment, post a notice in the Town Clerk's office, the Town's website, and three (3) public places in the Town. The posted notice shall include a description of the Livestock, the time and place the livestock was found and impounded, and the name, address, and telephone number of the Enforcement Officer. The notice shall be posted for ten (10) days.

3. Forfeiture/Destruction:

- (A) If the impounded Livestock is not claimed from impoundment by the Owner after ten (10) days, or the Owner gives notice to the Enforcement Officer of forfeiture of ownership, or the Owner fails to complete the Remedial Action, or the Owner fails to pay all impoundment Expenses due to the Town, the Livestock, may, at the discretion of the Selectboard be sold, transferred to a humane society or rescue organization, or humanely destroyed.
- (B) The proceeds from the sale of the Livestock, if any, shall be turned over to the Owner after payment of any outstanding impoundment Expenses due to the Town, and payment for any damage done by the Livestock, in an amount to be determined by the Selectboard.
- (C) If Livestock are found to be nuisance and cannot be impounded, the Selectboard reserves the right to have the livestock destroyed.

4. Civil Penalty:

- (A) In addition to completion of the Remedial Action and payment of any Impoundment Expenses, an Owner that allows, permits, or suffers Livestock to Run at Large in the Town of New Haven shall be subject to a civil penalty. The Enforcement Officer shall be authorized to act as an issuing municipal official to issue and pursue a municipal complaint for the civil penalty before the Vermont Judicial Bureau.
- (B) An Enforcement Officer is authorized to recover Civil Penalties, and where warranted, Waiver Fees in the following amounts:

	<u>Civil Penalty</u>	<u>Waiver Fee</u>
First Offense	\$160.00	\$100.00
Second Offense	\$320.00	\$250.00
Third Offense	\$480.00	\$400.00
Fourth Offense	\$640.00	\$550.00
Fifth and Subsequent Offenses	\$800.00	\$700.00

Waiver fees, rather than the civil penalty, apply where a person chooses to pay the fee and waive hearing in the Vermont Judicial Bureau.

- (C) In addition to the enforcement procedures herein, the Selectboard may commence a civil action in Superior Court to obtain injunctive or other appropriate relief and may pursue any other remedy authorized by law.

5. Other Laws:

This Ordinance and the civil penalties provided for herein shall be in addition to and not in lieu of all other ordinances of the Town of New Haven and all applicable laws of the State of Vermont.

6. 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.

7. Effective Date:

This Ordinance shall become effective sixty (60) days after adoption by the Town of New Haven Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this ordinance.

Adopted this ___ day of _____, 2024.

Town of New Haven Selectboard:

Chair, John Roleau

Vice Chair, Marie Jewett

Mike Audy

Kathy Barrett

Bruce Many

Attest: _____, Town Clerk