

## TOWN OF CALAIS, VERMONT

### ORDINANCE TO REGULATE LIVESTOCK RUNNING AT LARGE

Adopted July 12, 2021

Amended May 8, 2023

#### 1. Purpose and Authority

The Selectboard of the Town of Calais finds that livestock running at large cause damage to private property and present a significant danger to motorists and the general public traveling on Town and State highways. Livestock running at large may also transmit communicable diseases to livestock that is properly fenced and contained. Accordingly, the Calais Selectboard finds livestock running at large in the Town of Calais to be a public nuisance.

The Town of Calais further finds that livestock are more likely to repeatedly break out of confinement and run at large when not properly cared for and that provision of proper fencing, food, water, shelter and health care are an important component of keeping livestock from becoming 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; ensuring that livestock repeatedly found to be running at large are given proper fencing, food, water, shelter and health care; ensuring that livestock that may interact with other animals have been immunized against communicable diseases; providing for the welfare of the livestock during impoundment; and to thereby protect the health, safety, and welfare of the public and their animals. It is also the purpose of this ordinance to ensure that Calais residents can continue to enjoy the quiet of their homes and property. This ordinance is adopted by the Calais Selectboard under the authority of 24 V.S.A. Section 2291(14) and (15). This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

#### 2. Definitions

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

**Enforcement officer** means any law enforcement officer, animal control officer, town constable or other person or persons designated an enforcement officer under this ordinance by the Calais 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 any cattle, sheep, goats, equines, fallow deer, red deer, American bison, swine, water buffalo, camelids, llamas, alpacas, and yaks.

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

**Remedial Action** means the action of the owner of livestock, as directed by an enforcement officer in writing, necessary to securely contain and/or adequately shelter 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, sheds, or other structures necessary to contain and shelter the Livestock on the Owner's 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.

### **3. Prohibition**

The owner of livestock shall not allow, permit, or suffer such livestock to run at large in the town of Calais. This prohibition shall not include situations where the owner of the livestock has taken reasonable measures to contain the animal.

### **4. 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 Calais.

(B) Within twenty-four (24) hours after impounding such livestock, the enforcement officer shall give written notice to the owner, if known, informing the owner of the violation of this ordinance 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 receiving notice unless the enforcement officer specifies otherwise in writing.

(D) Impounded Livestock shall be released to the owner only upon satisfactory completion of the remedial action and payment to the Town of all impoundment expenses. Prior to returning the animals from impoundment, the enforcement officer shall be authorized to enter the owner's property to inspect fences, gates, pens, corrals, paddocks, sties, shelters or other structures to determine if the remedial action has been completed. Further, the enforcement officer shall be authorized to reenter the property from time to time, upon reasonable advanced notice of not less than 24 hours, to ensure that such structures are properly maintained.

(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, Front

Porch Forum, 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 days.

(F) If the impounded livestock is not claimed from impoundment by the owner after ten 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.

(G) The proceeds from the sale of the livestock, if any, shall be turned over to the owner after payment of (1) any outstanding impoundment expenses due to the Town and (2) payment for any damage done by the livestock in an amount to be determined by the Selectboard after a public hearing.

## **5. Repeated Violation of the Ordinance**

(A) Following the further impoundment of livestock for repeated violations of this Ordinance, and prior to releasing the livestock to the owner, the Selectboard may impose such additional terms and conditions as are reasonably calculated to prevent further violations this Ordinance, including:

(1) Temporarily or permanently removing the owner's right to maintain livestock in the Town of Calais, or

(2) Impose a requirement that the owner put funds, in an amount determined by the Selectboard, into escrow against further costs to the town due to the owner's livestock running at large. The Selectboard shall maintain the funds in a separate escrow account and return the funds to the owner if there are no repeated violations of this Ordinance for five years. If other violations occur during the five year period, the Selectboard may require the owner to periodically replenish the escrow account.

(B) Following impoundment of livestock and release to the owner, the owner shall reimburse the Town for any reasonable legal fees incurred in connection with the enforcement of this ordinance due to repeated violations.

## **6. 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 Calais shall be subject to a civil penalty of up to \$800.00 per day for each day such violation continues. 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 or other court of competent jurisdiction.

(B) An enforcement officer is authorized to recover civil penalties and 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

(C) In addition to the enforcement procedures herein, the Selectboard may commence a civil action in the Vermont superior court, or any other court of competent jurisdiction, to obtain injunctive or other appropriate relief, and may pursue any other remedy authorized by law to prevent, restrain, correct or abate the violation.

### 7. Other Laws

This ordinance is in addition to all other ordinances of the town of Calais and all applicable laws of the state of Vermont.

### 8. 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.

### 9. Effective Date

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

Amended this 8<sup>th</sup> day of May, 2023.

