


<p>TOWN OF SANDGATE Sandgate, VT 05250</p> 	<p>TITLE:</p> <p style="text-align: center;">RESTRAINT OF LARGE DOMESTIC ANIMALS</p>	<p>Document Type: Ordinance</p> <p>Document Number/ Revision: 206.01</p> <p>Original Issue: 10/03/2005</p> <p>Reissue: 07/18/2011</p>
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SECTION I. PURPOSE: The purpose of this Ordinance is to protect domestic animals within the Town from harm, either from collisions with motor vehicles or other possible injuries that may occur when they wander unattended; to promote and protect the public safety by keeping the highways clear of unattended domestic animals, who may present a serious safety hazard to motorists; and to protect private property from harm by wandering animals.

SECTION II. RESPONSIBILITY: All owners, lessees, bailees and caretakers of large domestic animals must ensure that such domestic animals in their charge (including, without limitation, horses, donkeys, sheep, cattle, swine, llamas, goats, alpacas, bison, beefalo, but not including dogs, which are the subject of another town ordinance, or chickens, ducks, rabbits, ferrets, cats, snakes and other small domestic animals and fowl) must ensure that such animals refrain from wandering unattended on public highways or on the private property of others, either by means of adequate fencing or by other sufficient and humane means of restraint consistent with Vermont law.

SECTION III. PENALTIES:

- A. In the event of a violation of this ordinance, there shall be a civil fine of no less than \$50.00 and no more than \$250.00 for a first offense, and a civil fine of no less than \$100.00 and no more than \$500.00 for each subsequent offense.
- B. Each large animal found wandering unattended on a given day shall constitute a separate offense.

SECTION IV. POWERS OF ANIMAL CONTROL OFFICER:

- A. The Animal Control Officer may take custody of large domestic animals found wandering unattended on public highways or on the property of others. In that event, the Animal Control Officer shall keep such animals in his or her care until the owner, lessee, bailee, or caretaker has taken steps to ensure and has shown that there is adequate fencing or other sufficient and humane means of restraint to ensure that such animals do not escape from the custody of their owner, lessee, bailee, or caretaker, at which time the Animal Control Officer shall return such animals forthwith.
- B. The Animal Control Officer shall be entitled to a reasonable fee of no more than \$25.00 per day per animal, plus any out-of-pocket costs for any necessary veterinary care, for the tending and feeding of such animals.
- C. Such Officer need not return such animals until such fees and costs due and owing are paid in full.

D. In the event that the owner, lessee, bailee or caretaker does not claim the animal or neglects or refuses to pay the Animal Control Officer's reasonable fees and out-of-pocket costs, the Animal Control Officer may sell the animal in question at public auction after reasonable notice to the public. The Animal Control Officer shall make diligent efforts to give actual advance notice to the owner of such animal of the date and time of the auction. Any net proceeds of the auction, after the costs of same and after payment of the Animal Control Officer's reasonable fees and out-of-pocket expenses in connection with care of the animal, shall be remitted to the animal's owner, or if the owner cannot be found after a diligent inquiry, to the Town of Sandgate.

SECTION V. RIGHT TO A HEARING:

- A.** The owner, lessee, bailee, or caretaker of any animals taken into custody by the Animal Control Officer shall upon at least 48 hours notice to the Selectboard be entitled to a hearing before the Board on whether the animals in question should be further detained.
- B.** The issues that may be decided at the hearing include the following: whether the animals were lawfully seized under the ordinance; whether there now exists adequate fencing or other sufficient and humane means of restraint to ensure that such animals do not escape; the amount, if any, of fees and costs due the Animal Control Officer; whether such fees and costs have been paid in full; and whether fairness and justice, or the welfare of such animals, require their return even if such fees and costs have not been paid in full.

SECTION VI. SEVERABILITY: In the event that a Court of competent jurisdiction declares a provision of this ordinance or portion thereof void or unenforceable, the remaining portions and provisions shall remain in full force and effect.

Revision History:

Doc. Number	Date	Actions
206.00	10/03/2005	Approved by Selectboard
206.01	07/18/2011	Reformatted with no change in content. Approved by Selectboard