

**Ordinance for Animal Control
Town Of Benson Vermont**

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**ORDINANCE FOR ANIMAL CONTROL
TOWN OF BENSON VERMONT**

SECTION 1: GENERAL PROVISIONS

A. Title

All rules and regulations contained herein, together with such additions and amendments as may be hereafter adopted, are hereby designated as the "Benson Animal Control Ordinance" or "Ordinance."

B. Authority

This Ordinance is adopted pursuant to authority granted under 24 V.S.A. § 1971, 24 V.S.A. § 2291, subsections (10) and (14), 20 V.S.A. Chapters 191 and 193, and the Charter of the Town of Benson, as amended.

C. Purpose

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

D. Scope

This ordinance shall not apply to:

- (1) activities regulated by the Department of Fish and Wildlife pursuant to part 4 of Title 10;
- (2) scientific research governed by accepted procedural standards subject to review by an institutional animal care and use committee;
- (3) livestock and poultry husbandry practices for raising, management and use of animals;
- (4) veterinary medical or surgical procedures; and
- (5) the killing of an animal as provided by § 3809 and § 3545 of V.S.A. Title 20.

E. Filing Of Ordinance

The Town Clerk of the Town of Benson shall file a certified copy of this Ordinance, as well as certified copies of any additions or amendments to this Ordinance as may be hereafter adopted, in the municipal records.

F. Inconsistent Provisions

In the case of any other applicable regulation, by-law, ordinance or statute which differs from the rules and regulations of this Ordinance, the stricter shall apply.

G. Civil Ordinance

This Ordinance is designated as a civil ordinance in conformance with 24 V.S.A. § 1971(b).

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SECTION 2: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

"Adequate water" means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

"Allow or Permit" It shall be prima facie evidence that the owner has allowed the action in cases of any violation of this ordinance.

"Animal Control Officer" Shall mean the person or persons appointed by the Benson Selectboard to police and enforce the Animal Control ordinance in cooperation with appropriate law enforcement agencies and shall include, without limitation, sworn officers of the Rutland County Sheriff's Department and Benson Town Constables(s).

"Animal shelter" means a facility which is used to house or contain animals and is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals.

"Dangerous Animal" shall mean: (1) an animal, while running at large, which causes reasonable fear of bodily injury by attacking or threatening to attack a person, domestic pet, domestic animal, or wolf-hybrid; (2) an animal that is diseased and dangerous to the public health; or (3) a wolf-hybrid which is not being confined within a proper enclosure as required by Article IV, Section F or which when outside of its enclosure, is not either in a cage or on a leash.

"Domestic Animal" shall mean those animals defined by 6 V.S.A. 1151(2) as follows: rabbits, cattle, sheep, goats, equines, fallow deer, red deer, reindeer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, Psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), reptiles and amphibians. The term does not include those species of amphibians native to Vermont. The term shall include cultured trout propagated by commercial trout farms.

"Domestic Pet" shall mean any domestic dog, domestic cat, or European ferret (*Mustela putorius furo*) as defined in 20 V.S.A., Chapter 193, § 3541.

"Habitual Barking or Howling" means the domestic pet, domestic animal, or wolf-hybrid is barking, whining, calling, or howling for a continuous period of 15 minutes or more

"Humane disposal" shall mean (a) humane euthanasia by a licensed veterinarian, or (b) sold or given away to a responsible person.

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“Keeper” (See "Owner".)

“Nuisance Animal” shall mean an animal, the conduct, keeping or maintenance of which is in violation of any section of this Ordinance or applicable Vermont statute (20 V.S.A. Chapters 191 and 193).

“Owner” shall mean any person who owns a domestic pet or wolf-hybrid and includes any person who has actual or constructive possession of the pet or wolf-hybrid. The term also includes those persons who provide feed or shelter to a domestic pet or wolf-hybrid. However, it is not the intent of the Town to require a person to be responsible under this ordinance for feral animals that take up residence in a building other than the person’s home, even if the person occasionally provides feed to the animal.

"Person" shall mean any individual, institution, public or private corporation, partnership or other legal entity.

“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 comfortable enjoyment of public lands in Benson is a public nuisance, provided, however, such act is specifically enumerated and defined in this Ordinance.

‘Public Road’ shall mean the area within 25' of the center line of the traveled way on any state- or town-owned highway.

"Respondent" shall mean a person alleged to have violated any provision of this ordinance.

“Running at large” means that a dog [or wolf hybrid] is not:

1. on a leash;
2. in a vehicle;
3. on the owner’s property;
4. on the property of another person with that person’s permission;
5. clearly under the verbal or non-verbal control of the owner; or
6. hunting with the owner.

A. A domestic pet or domestic animal on a public road within the Town is considered restrained if it is on a leash.

B. A domestic pet or domestic animal on a public road is considered restrained if it is either:

(1) On a leash or (2) in the presence of a person and obedient to that person’s commands and is not causing a danger or nuisance.

C. A wolf-hybrid is considered restrained if, while outside of the enclosure required in Article IV, Section F, is: (1) In a cage; or (2) On a leash, and not causing a danger or nuisance.

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SECTION 3: EXCEPTION:

Nothing in this Ordinance shall be construed to require:

(1) The restraint of cats, (2) the restraint of any domestic pet or domestic animal while on private property by permission of the property owner or while in a vehicle, or (3) to restrict the use of dogs for lawful hunting.

"Selectboard" shall mean the Town of Benson, Vermont Selectboard.

"Town" shall mean the Town of Benson, Vermont.

"Town Clerk" shall mean the Town Clerk of Benson, Vermont.

"Vicious Animal" means a dog or wolf/hybrid that has bitten a person, domestic animal or fowl, or a dog or wolf/hybrid that causes reasonable fear of bodily injury by threatening to attack any person or domestic animal unless such person or animal is in the act of unlawfully trespassing on the private property of the owner.

"Wolf-hybrid" shall mean those animals defined by 20 V.S.A., Chapter 193, § 3541, as follows: an animal which is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*). "Wolf-hybrid" also means an animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its owner, or an animal which exhibits primary physical and behavioral wolf characteristics, or one which has the primary physical and behavioral wolf characteristics as described by the Commissioner of the Department of Fish and Wildlife (in Title 10, Appendix, Chapter 1, Subchapter 3, #34)

SECTION 4: APPLICABILITY OF ORDINANCE

A. No person owning a domestic pet, domestic animal, or wolf-hybrid shall allow such animal to become or remain a public nuisance as herein defined, or to be kept in violation of this ordinance.

B. 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.

C. Nothing in this Ordinance shall be construed to restrict accepted agricultural practices.

D. Any owner or person commits "cruelty to animals" as defined pursuant to 13 V.S.A. § 352, shall be in violation of the Ordinance and is subject to the provisions of this Ordinance.

SECTION 5: LICENSING, KEEPING, AND IMMUNIZATION OF DOGS AND WOLF-HYBRIDS

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 license therefore in accordance with Chapter 193,

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Title 20 of the Vermont Statutes, (2) to cause the dog or wolf-hybrid to wear a collar, and (3) to attach to the collar a license tag.

B. A person who becomes the owner after April 1 of a dog or wolf-hybrid six months old which has not been licensed, or a person who owns, keeps or harbors a dog or wolf-hybrid in which becomes six months old after April 1 shall within 30 days apply for and obtain a license for the dog or wolf-hybrid the same manner as the annual license is obtained. If an application under this section is made after October 1, the fee for the license shall be one-half the amount otherwise required. If the license fee is not paid within 30 days, the owner may thereafter procure a license for that license year by paying a license fee of 50 percent in excess of that otherwise required.

C. The Town may charge a fee for dog and wolf-hybrid licenses, as authorized by Chapter 193, Title 20 of the Vermont Statutes

D. The dog or wolf-hybrid shall be inoculated against rabies by a licensed veterinarian as required in Chapter 193, Title 20 of the Vermont Statutes.

E. The owner or keeper of domestic pets and wolf-hybrids kept for breeding purposes will take out annually, on or before April 1, a special license for the domestic pets or wolf-hybrids, as authorized by Title 20 of the Vermont Statutes, § 3583.

F. The owner or keeper of two or more domestic pets or wolf-hybrids four months of age or older kept for sale or for breeding purposes, except for his or her own use, shall apply to the Town Clerk for a kennel permit^[1], as authorized by 20 V.S.A., § 3681.

G. 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.

[¹Note: The owner may also need a Zoning Permit for a kennel under the Town's Zoning Regulations.]

H. The legislative body shall annually designate one or more persons to maintain a list of unlicensed, inoculated and licensed dogs and wolf-hybrids owned or kept in their municipality and to submit the list to the municipal clerk.

I. On receiving a list of dogs and wolf-hybrids from persons authorized by the Selectboard, the Town Clerk shall notify the owners or keepers of all dogs and wolf-hybrids named on the list that have not already been licensed or inoculated, and after May 30 shall furnish to the Selectboard a list of dogs and wolf-hybrids not licensed or inoculated as required by law. Owners shall also be notified that unlicensed or uninoculated dogs or wolf-hybrids may be destroyed, as required § 3590.

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SECTION 6: ANIMAL CONTROL OFFICER

A. Any Animal Control Officer is hereby authorized and empowered to obtain search warrants to enter onto private lands, to seize and to impound domestic pets, domestic animals, and wolf-hybrids, and to take all reasonable and necessary measures to abate violations as herein defined.

B. It is the duty of an Animal Control Officer to investigate complaints of animal nuisances and to enforce the provisions of this Ordinance.

C. The Selectboard shall designate the names of persons and their locations to receive domestic pets, domestic animals, and wolf-hybrids for impoundment under the terms of this Ordinance.

SECTION 7: STRAY ANIMALS

State law requires each town have a holding facility for stray animals and that the town holding the animal publicly advertise that the animal is being held.

A. Notices will be posted in the Town Hall, Town website, local bulletin boards and

B. Rutland County Humane Society, Rutland Herald, PEG TV, WSYB Radio and the Mountain Times

C. Animals will be held for seven (7) days and then transferred to Rutland County Humane Society.

D. The board of directors of an incorporated humane society or their designee shall determine the disposition of animals released to it. Any proceeds derived from the sale of animals by the society shall be paid to the clerk or treasurer of the humane society and no part of the proceeds shall accrue to any individual. Proceeds from the sale of animals by any person authorized by a municipality to dispose of such animals shall revert to the treasury of the municipality as required § 3909.

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SECTION 8: VIOLATIONS

A domestic pet, domestic animal, or wolf-hybrid in the following situations is hereby declared to be a public nuisance in violation of Article III above:

- A. The dog or wolf-hybrid has not been inoculated against rabies as required in 20 V.S.A. Chapter 193; or
- B. The dog or wolf-hybrid has not been licensed in accordance with 20 V.S.A. Chapter 193; or
- C. The dog or wolf-hybrid is not wearing a collar with its current license tag attached to the collar in accordance with 20 V.S.A. Chapter 193; or
- D. The domestic pet, domestic animal, or wolf-hybrid is a dangerous animal as determined by an Animal Control Officer; or
- E. The domestic pet, domestic animal, or wolf-hybrid is being kept or maintained contrary to the conditions of a lawful order issued by the Benson Selectboard under Article IX of this ordinance; or
- F. The domestic pet, domestic animal, or wolf-hybrid is causing damage to the property of anyone other than its owner, by:
 - 1. Turning over garbage containers; or
 - 2. Doing damage to gardens, flowers, shrubs or vegetables; or
 - 3. Injuring or worrying people, domestic pets, domestic animals, or wolf-hybrids.
- G. The dog has defecated on private property other than that of its owner onto which the dog has not been invited or on Public Roads or public property (including school grounds, parking areas, lawns, flower beds, parks, and sidewalks) and the dog owner does not remove the resulting material immediately and dispose of it in a sanitary manner; or
- H. The domestic pet (except domestic cat) or wolf-hybrid, while running at large, is harassing pedestrians, joggers, pets walked on a leash, bicyclists, vehicles, or riders on horseback; or
- I. The domestic pet, domestic animal, or wolf-hybrid is barking, whining, calling, or howling for a continuous period of 15 minutes or more; [1]
- J. The owner or keeper of two or more domestic pets or wolf-hybrids four months of age or older kept for sale or for breeding purposes, except for his or her own use, has not received a kennel permit, as required by Article IV, Section E; or
- K. The wolf-hybrid is not:
 - 1. Confined within a proper enclosure; or
 - 2. In a cage; or
 - 3. On a leash, as required by Article IV, Section F.

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[1 Exception: This regulation shall not apply to domestic pets, domestic animals, or wolf-hybrids in a kennel when such kennel has received a zoning permit under the Town of Benson, Vermont Zoning Regulations.]

L. Any owner or person commits “cruelty to animals” as defined pursuant to 13 V.S.A. § 352, shall be in violation of the Ordinance and is subject to the provisions of this Ordinance.

(1) Intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner;

(2) overworks, overloads, tortures, torments, abandons, administers poison to, cruelly beats or mutilates an animal, or exposes a poison with intent that it be taken by an animal;

(3) Ties, tethers, or restrains an animal, either a pet or livestock, in a manner that is inhumane or is detrimental to its welfare. Livestock and poultry husbandry practices are exempted;

(4) deprives an animal which a person owns, possesses or acts as an agent for, of adequate food, water, shelter, rest, sanitation, or necessary medical attention, or transports an animal in overcrowded vehicles;

(5) owns, possesses, keeps or trains an animal engaged in an exhibition of fighting, or possesses, keeps or trains any animal with intent that it be engaged in an exhibition of fighting, or permits any such act to be done on premises under his or her charge or control;

(6) Acts as judge or spectator at events of animal fighting or bets or wagers on the outcome of such fight;

(7) as poundkeeper, officer, agent of a humane society or as an owner or employee of an establishment for treatment, board or care of an animal, knowingly receives, sells, transfers or otherwise conveys an animal in his or her care for the purpose of research or vivisection;

(8) Intentionally torments or harasses an animal owned or engaged by a police department or public agency of the state or its political subdivisions, or interferes with the lawful performance of a police animal;

(9) knowingly sells, offers for sale, barter or displays living baby chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color, or fails to provide poultry with proper brooder facilities;

(10) Uses a live animal as bait or lure in a race, game or contest, or in training animals in a manner inconsistent with Part 4 of V.S.A. Title 10 or the rules adopted thereunder.

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SECTION 9: ENFORCEMENT AND PENALTIES

A. Violations Of Ordinance

Unless violation and penalty provisions specifically set forth elsewhere in this Ordinance provide otherwise, all violations of this Ordinance shall be handled according to the provisions of this Article.

B. Response To Violations By Animal Control Officer

When a domestic pet, domestic animal, or wolf-hybrid is found to be in violation of this Ordinance, an Animal Control Officer may take one or more of the following actions:

1. Issue a verbal warning to the owner;
2. Issue a written warning to the owner;
3. Serve the owner with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated, permanently cease and correct all violations. Any Person who continues any violation beyond the specified time limit shall be issued a "Municipal Complaint" (citation) pursuant to Subsection 5 of this Section.
4. Require that a domestic pet or domestic animal be restrained by a leash while off the premises of its owner.
5. Issue a "Municipal Complaint" (ticket) per the provisions of 24 V.S.A. 1974a and 1977 et. seq.;
6. Confine or impound the domestic pet, domestic animal, or wolf-hybrid;

C. Fines

1. Any person who violates any provision of this ordinance and is issued a "Municipal Complaint" (ticket) under Article VII, Section B.5. shall be subject to a civil penalty of up to \$200 per day for each day that such violation continues. The Benson Health Officer, Benson Deputy Health Officer, Benson Town Constable, Vermont State Police Officer, Rutland County Sheriff, any Deputy Rutland County Sheriff, or any individual appointed by the Selectboard shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau a municipal complaint.

2. An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First violation within 30 days	\$100
Second violations within 30 days	\$150
Third violations within 30 days:	\$200
Fourth and subsequent violations within 30 days:	No Waiver

Offenses shall be counted on a calendar year basis.

3. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First violations within 30 days	\$200
Second violations within 30 days	\$300
Third violations within 30 days	\$400

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Fourth and subsequent violations within 30 days \$500

Offenses shall be counted on a calendar year basis.

4. Each day in which any violation continues or occurs shall be deemed a separate offense.
5. Violations involving multiple animals shall be considered multiple violations.

D. Liability For Loss By The Town Due To Violation

Any Person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town, including reasonable legal expenses, by reason of such offense.

E. Actions To Prevent, Restrain Or Abate Violation

Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action authorized by law, including injunction or other proceeding, to prevent, restrain, or abate any violation hereof, and in the case of emergency situations when, in the Town's determination, violations of the provision of the Ordinance may cause damage to human life or public property, the Town shall have the power to take whatever action is necessary to correct such violations.

F. Board Of Health And Health Officer

Nothing in this ordinance shall be construed to prevent the Local Board of Health or Health Officer from carrying out their duties as prescribed in 18 V.S.A. Chapter 11.

G. Response Issuance Of Warrant To Impound, Destroy; Complaint

The Selectboard of Benson may at any time issue a warrant to one or more police officers or constables, or pound keepers, directing them to proceed forthwith to destroy in a humane way or cause to be destroyed in a humane way all dogs or wolf-hybrids within the town not licensed according to the provisions of this subchapter, except as exempted by section 3587 of title 20, Chapter 193, and to enter a complaint against the owners or keepers thereof. pursuant to title 20, Chapter 193 § 3621.

SECTION 10: CONFINEMENT AND IMPOUNDMENT

A. Pursuant to 20 V.S.A. Chapters 191 and 193, an Animal Control Officer is authorized to confine or impound any domestic pet, domestic animal, or wolf-hybrid which is violating this Ordinance or which:

1. Is suspected of having been exposed to rabies; or
2. Is believed to have been attacked by another animal which may be rabid; or
3. Has been attacked by a wild animal; or
4. Has an unknown rabies vaccination history or
5. A person may impound a beast found in his enclosure doing damage.

B. In the event that a domestic pet, domestic animal, or wolf-hybrid is confined or impounded, the owner, if known, shall be notified within 24 hours. Notification may be accomplished by in-person communication, by telephone call, or by written statement sent to the last known address of the owner. If the owner's address

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is not known, notification shall be posted in the Benson Town Clerk's Office and three (3) other places in the Town for a one-week period.

C. When an Animal Control Officer reasonably suspects that a confined or impounded domestic pet, domestic animal, or wolf-hybrid:

1. has been running at large or
2. has been exposed to rabies; or
3. has been attacked by a rabid animal, the Animal Control Officer may dispose of the animal in a humane manner, pursuant to Title 20, § 3807.

D. If the domestic pet, domestic animal, or wolf-hybrid is unclaimed within 7 days of the notification of the owner or within 7 days of posting, the Animal Control Officer may dispose of the dog in a humane manner subject to Article X regarding impoundment for rabies control.

E. If the unclaimed domestic pet, domestic animal, or wolf-hybrid has been disposed of, the owner shall be liable for all costs incurred by the Town.

F. No confined or impounded domestic pet, domestic animal, or wolf-hybrid shall be released until all necessary licenses and vaccinations are obtained and until all fees associated with the impoundment are paid in full by the owner.

G. If a beast escapes, or is unlawfully rescued from a pound, such beast may, within five days thereafter, be retaken wherever found and again impounded by the keeper of the pound, or by the person impounding it, and the beast shall be held for the payment of the fees and charges, as in 20 V.S.A. § 3482 provided. In case the beast was rescued with the knowledge and assent of the owner or keeper, it shall be held for the payment of the reasonable expense and trouble which accrues in retaking the same, to be paid to the poundkeeper, like other charges and expenses.

A person who breaks open a pound, or directly or indirectly releases a beast impounded, without authority so to do, shall be fined \$25.00 and shall be liable to the person impounding for the damages occasioned thereby. 20 V.S.A. § 3481

A person who hinders or impedes a poundkeeper or impounder in retaking a beast shall be fined \$10.00 and shall pay the damages to the person injured. 20 V.S.A. § 3483

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**SECTION 11: INVESTIGATION OF A DOMESTIC PET OR WOLF-HYBRID
WHICH HAS BITTEN A PERSON**

When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of its owner or keeper, and the person bitten requires medical attention for the attack, investigation by an Animal Control Officer shall be done in accordance with the following procedures, pursuant to 20 V.S.A., § 3546, as follows:

- 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 Benson 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 required by Section B below.
- 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 the 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 Selectboard 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 in violation of Article VI, Section E. of this ordinance. The Selectboard may seek injunctive relief as provided in 20 V.S.A. 3550 (j).
- D. The procedures provided in Article IX shall only apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the Selectboard or an Animal Control Officer determines that the animal is a rabies suspect, the provisions of Article X of this ordinance shall apply.

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SECTION 12: MANAGEMENT OF BITING ANIMALS, RABIES SUSPECT ANIMALS, AND RABIES EXPOSED ANIMALS

- A. Domestic pets, domestic animals, or wolf-hybrids which have bitten a person, or have been exposed to rabies or are suspected of being infected with rabies shall be managed by the Benson Health Officer or Deputy Benson Health Officer in accordance with 20 V.S.A. and Rules adopted by the Vermont Department of Health.
- B. All costs associated with the management of the biting animal, rabies suspect animal, or rabies-exposed animal shall be borne by the owner.

SECTION 13: SEVERABILITY/LIABILITY/AMENDMENTS

- A. If any portion of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.
- B. This Ordinance may be amended at any time by the Benson Selectboard pursuant to applicable provisions of the law.

SECTION 14: ORDINANCE IN FORCE

A. Ordinance In Effect

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law, and hereby replaces in its entirety the Town of Benson, Vermont, Benson Animal Control Ordinance originally adopted in 1998 and last amended December 17, 2007.

B. Date Of Enactment

Duly enacted and ordained by the Selectboard of the Town of Benson, Rutland County, State of Vermont, on this 14th day of January 2008 at a duly warned and duly held meeting of said Selectboard.

C. Effective Date

This Ordinance shall become effective sixty (60) days from the date hereof, that is, on April 15, 2008.

Signatures

Date

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Adoption History

- 1. Agenda item at regular Selectboard meeting held on _____.
- 2. Read and approved at regular Selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____
- 3. Posted in public places on _____
- 4. Notice of adoption published in the Benson _____ newspaper on Benson _____ with a notice of the right to petition.
- 5. Other actions [petitions, etc.]