

**TOWN OF GRAND ISLE, VERMONT**  
**LIVESTOCK ORDINANCE**

**1. Purpose and Authority**

The Selectboard recognizes the Town of Grand Isle is a rural community with livestock owners of various forms and sizes interspersed with residential and business / commercial areas within the Town. The size and scope of livestock ownership varies widely. The Selectboard also recognizes a strong desire to maintain the rural nature of our Town.

The Selectboard of the Town of Grand Isle 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 pose a safety hazard to the community in the form of physical threats and transmission of communicable diseases.

Accordingly, the Grand Isle Selectboard finds Livestock Running at Large in the Town of Grand Isle to be a public nuisance.

The purpose of this ordinance is to abate and remove this public nuisance by prohibiting such conduct, establishing reasonable regulations for incidences of Livestock Running at Large and adopting potential penalties and other enforcement mechanisms to thereby protect the health, safety, and welfare of the public and the quiet enjoyment of Grand Isle residents' homes and property. This ordinance is adopted by the Grand Isle 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.

**2. Definitions**

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

**Clerk** means the Town Clerk of the Town of Grand Isle.

**Enforcement Officer** means any law enforcement officer, animal control officer, Town constable or other persons designated an Enforcement Officer under this Ordinance by the Grand Isle Selectboard.

**Livestock** means any, horse, stallion, ratites, camelids, colt, gelding, mare, sheep, ram, lamb, bull, ox, steer, heifer, cow, calf, mule, donkey, goat, kid, llama, alpaca, pig or swine, or domesticated ungulates.

**Livestock Owner** or **Owner** means any person who owns Livestock, has actual or constructive possession of Livestock, or is responsible for the care and control of such Livestock.

**Plan for Remediation** means a feasible plan by the Livestock owner(s) to prevent repeated offenses of Livestock Running at Large in the Town. It may be advisable to contact the Vermont Agency of Agriculture, Food and Markets for assistance.

**Remedial Action** means action by the Owner of Livestock, as directed by an Enforcement Officer in writing, necessary to securely contain the Livestock on the Livestock Owner's property or on property that the Livestock Owner has a legal right to use. Remedial Action may include, but is not limited to, construction or repair of fences, gates, pens, corrals, paddocks, sties, barns, sheds, or other structures, built to reasonable standards (as circumstances may dictate) and necessary to contain, and intended to keep, the Livestock on the Livestock Owner's property.

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

**Redemption Fee** means the amount of money (in U.S. Dollars) as determined by the Enforcement Officer that must be paid to the Clerk to cover the expenses to repair any damages to Town or privately owned property assessed by the Enforcement Officer, subject to the approval of the Selectboard.

**Process** means the process for a discussion of remediation plans and damages assessed prior to the Redemption Fee taking effect. The appeal will include the parties involved at an open meeting of the Selectboard.

**Offense** means any incidence of Livestock Running at Large and posing a public safety hazard or property damage.

### **3. Prohibition**

Livestock Running at Large is a public nuisance in the Town of Grand Isle. A Livestock Owner shall not allow, permit, or suffer such Livestock to Run at Large in the Town of Grand Isle. This prohibition shall not include situations where the Livestock Owner provided a reasonably secure enclosure appropriate for the type of Livestock kept, carried out all reasonable practices in maintaining the enclosure and securing the Livestock prior to the escape, and acted in a reasonable manner prior to and after the escape of Livestock from the Livestock Owner's property, except the Livestock Owner of a bull nine months old or older, found Running at Large, shall be in violation of this Ordinance regardless of the Livestock Owner's reasonableness. Each head of Livestock Running at Large and each day the Livestock remains Running at Large constitutes a separate offense. For example, if two cows were found to be Running at Large for two days, the Livestock Owner would be liable for four separate offenses.

#### 4. Complaints or Violations

(A) Within twenty-four (24) hours of the violation(s), if the identity of the Livestock Owner can be reasonably ascertained, the Enforcement Officer shall give written notice to the Livestock Owner by electronic mail, physically posting the written notice conspicuously at the Livestock Owner's residence, or personal delivery to the Livestock Owner. The Enforcement Officer shall also send the notice First Class Mail within twenty-four (24) hours of the violation or on the next business day if the Post Office is not open within 24 hours after the offense. The notice shall inform the Livestock Owner of the violation of this Ordinance and the associated penalty, waiver fee and process; the amount of the Redemption Fee that must be paid and the Remedial Action the Livestock Owner must complete.

If the Livestock Owner is unknown, the Enforcement Officer shall, within twenty-four (24) hours of the offense post a notice on or in the Town Clerk's office, the Town's website, Front Porch Forum (or other similar community listserv), three (3) public places in the Town, and a public place in South Hero and North Hero. The posted notice shall include a description of the Livestock, the time and place the Livestock was found, and the name, address, and telephone number of the Enforcement Officer. The notice shall be posted for ten (10) days or until the Livestock Owner is found, whichever first occurs.

(B) If the Livestock was caught Running at Large on Town property and caused damage to Town property, the notice shall advise the Livestock Owner of the nature and amount of the damages to Town property included in the Redemption Fee caused by the Livestock Running at Large as reasonably determined by the Enforcement Officer and subject to Selectboard approval.

(i) If the Livestock Owner disputes the amount of damages added to the Redemption Fee, the Livestock Owner may pay the Redemption Fee under protest to the Clerk and file a written request for a public hearing before the Selectboard to determine the amount of damages owed to the Town. The requested hearing shall be publicly warned and take place within 10 days of the request. After holding the hearing and considering the evidence, the Selectboard shall issue a written decision within 30 days of closing the hearing. The Selectboard's determination of damages shall be a final decision appealable pursuant to Rule 75 of Vermont Rules of Civil Procedure.

(ii) If the Livestock Owner pays to the Clerk the full Redemption Fee with a written request for a hearing on the amount of assessed damages, the Clerk shall hold the disputed amount of assessed damages until a final decision is rendered. If the Selectboard upholds the assessed amount of damages the Clerk shall continue to hold the amount of assessed damages for 30 days after the Selectboard's final decision and shall deposit the amounts into the Town's General Fund if no appeal is taken from the decision within 30 days. If the Livestock Owner appeals the Selectboard's decision within 30 days of the decision, the Clerk shall hold the disputed amount until a Court issues an order directing what the Clerk shall do with the disputed amount of the assessed damages.

(iii) If the Selectboard determines that the damages assessed by the Enforcement Officer are more than is sufficient to compensate the Town for damage to Town property, the Selectboard's written decision shall determine the correct amount of damages caused by the Livestock Running at Large and direct the Clerk to pay the Livestock Owner the difference between the amount of assessed damages paid to the Clerk and the amount of damages determined by the Selectboard.

(C) Nothing in this Ordinance shall be construed as limiting the remedies available at law or equity to the Town or private parties, including but not limited to the right to pursue damages, or any deficiency in damages determined by the Enforcement Officer or the Selectboard in a civil action in the Superior Court.

(D) The Remedial Action ordered by the Enforcement Officer shall be completed by the Livestock Owner within forty-eight (48) hours of the written notice or on such other schedule as the Enforcement Officer may authorize in writing.

(E) If the Livestock owner(s) do not present a feasible plan for securely containing the Livestock after seven (10) days and/or the Livestock is not properly contained, (thus eliminating the potential threat to public safety or property damage), 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 the full Redemption Fee, the Livestock may, at the discretion of the Selectboard, be sold or transferred to a humane society or rescue organization, or humanely destroyed.

(F) The proceeds from the sale of the Livestock, if any, shall be turned over to the Livestock Owner after payment of any outstanding Redemption Fee or other expenses, including expenses to repair any damage done to Town or privately owned property by the Livestock in an amount to be determined by the Selectboard after a public hearing.

#### **4. Civil Penalty**

(A) In addition to completion of the Remedial Action and payment of any Redemption Fee, a Livestock Owner that allows, permits, or suffers Livestock to Run at Large in the Town of Grand Isle shall be subject to a Civil Penalty of up to \$500 per occurrence. 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 another 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	\$ 100	\$ 50
Second Offense	\$ 150	\$ 75
Third Offense	\$ 250	\$ 125
Fourth Offense	\$ 350	\$ 175
Fifth and Subsequent Offenses	\$ 500	\$ 250

(C) The first (1st) offense begins a 365-day clock for offenses that will be reset on day 366.

(D) 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, including but not limited to relief available under common law claims, including but not limited to a claim of public or private nuisance.

## **6. Potential Harm or Injury**

(A) In the event that Livestock physically injures or kills a person while Running at Large, the Selectboard may hold a public hearing to determine whether, based on evidence presented at the hearing, the Livestock is a threat to public health and safety and too dangerous to allow it to remain in Town. If the Selectboard determines the Livestock at issue to be a significant threat to public health and safety, the Selectboard may order any of the following remedies:

- (i) The Livestock be euthanized or sent for slaughter;
- (ii) The Livestock be castrated;
- (iii) Any other reasonable remedy that sufficiently addresses the public health and safety risks posed by the Livestock remaining in the Town.

(B) Any order issued pursuant to Subsection A of Section 6 that dispossesses a Livestock Owner of Livestock shall include compensation to the Owner for the fair market value of the animal, if any value is received, less any unpaid judgments, damages, costs, and/or Redemption Fees due to the Town.

## **5. Other Laws**

This Ordinance is in addition to all other ordinances of the Town of Grand Isle and all applicable laws of the state of Vermont.

**6. Severability**

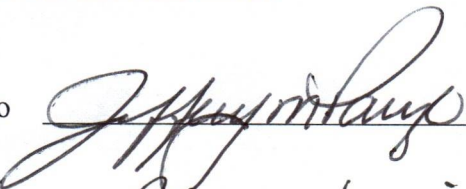
If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

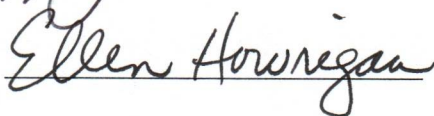
**7. Effective Date**

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

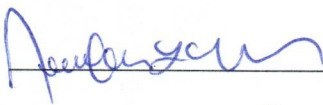
Adopted this 6 day of May, 2024.

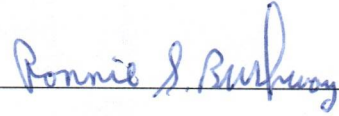
Town of Grand Isle Selectboard

Jeff Parizo  Date 5/6/24

Ellen Howrigan  Date 5/6/2024

Josie Leavitt \_\_\_\_\_ Date \_\_\_\_\_

Jennifer Morway  Date 5/6/2024

Ron Bushway  Date 5/6/2024