

What authority does a town have to regulate animals running loose?

"All animals are equal but some animals are more equal than others," said George Orwell, in his classic *Animal Farm*. The Vermont Legislature has taken a dim view of animal "equality," as it has expressly given municipalities broad powers to regulate dogs, wolf hybrids, ferrets, and cats - but not livestock and other farm animals.

As human dominion has escalated to a level many animals feel is unacceptable, they have voted with their hooves, claws and paws, and escaped to lives of freedom amongst the human inhabitants of their towns. Such action typically prompts a call to the VLCT Law Center, where the question arises, "what can a town do to control these creatures?"

Vermont municipalities have a number of tools to control animals that are on the loose. As noted above, towns have the power to write ordinances that regulate dogs and wolf hybrids, as well as cats, within their boundaries. 20 V.S.A. §§ 3541(2), 3549 and 24 V.S.A. § 2291(10). While the Legislature has not expressly authorized municipalities to regulate other animals that are found running through cities and towns (e.g. goats, horses, bulls and cows), the VLCT Law Center believes that the conduct of such animals may be regulated under the town's authority to define and control a "public nuisance." 24 V.S.A. § 2291(14).

To administer and enforce its animal control ordinances many municipalities appoint an animal control officer (typically the constable or the local health officer). In addition the selectboard is required to appoint a poundkeeper for each pound. 24 V.S.A. § 871(2).

In fact, all towns are expected to maintain a pound, or more than one if necessary. If a town fails to maintain a pound for more than six months, they can be fined \$30. 20 V.S.A. § 3383. The poundkeeper has the power to impound a beast found in an individual's (not the owner's) enclosure, that is doing damage. 20 V.S.A. § 3411. He or she may also impound stallions, cattle, horses, or swine running at large. 20 V.S.A. §§ 3451, 3454. While neither of these statutes refer to goats or sheep, one can assume that these animals, if found doing harm to someone's property, could be impounded by the poundkeeper as well.

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