TOWN OF WEST WINDSOR
POULTRY ORDINANCE

Regulating the Keeping of Poultry in the Town of West Windsor

1. Purpose and Authority

The West Windsor Selectboard finds that chickens, turkeys, ducks, and geese allowed to run at large may create a public nuisance by damaging property, biting people, creating traffic hazards, and leaving fecal matter that can spread *salmonella* and other diseases. Keeping Poultry can also result in objectionable odor and unreasonable noise that can interfere with residents' use and enjoyment of their property. The purpose of this Ordinance is to provide reasonable regulations for the keeping of Poultry in West Windsor to protect the public health, safety, and welfare of the Town and the quiet enjoyment of its residents' homes and properties. This Ordinance is adopted by the West Windsor Selectboard under the authority of 24 V.S.A. §2291(14). This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

2. Definitions

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

Enforcement Official means any Constable, Police Officer, Animal Control Officer, Humane Officer, Health Officer or any other person designated an Enforcement Official under this Ordinance by the West Windsor Selectboard.

Impoundment Expenses means actual expenses incurred by the Town for the impoundment of Poultry, including but not limited to boarding, food, and veterinary expenses.

Judicial Bureau means that department of the Vermont judiciary having jurisdiction to hear municipal ordinance violations and other civil offenses. Information about the Judicial Bureau is available at www.vermontjudiciary.org/judicial-bureau.

Owner means any person who owns, harbors, keeps or permits any Poultry to be kept in or about their premises, and includes any person who has actual or constructive possession of Poultry.

Poultry means any domesticated fowl, including chickens, turkeys, ducks, and geese.

Remedial Action means the action of the Owner of Poultry necessary to cure a violation of this Ordinance and to release the Poultry from impoundment.

3. Confinement of Poultry

Poultry shall be kept on the premises of the Owner, preferably in a secure enclosure such as a poultry house, tractor, or fence. Enclosures must be clean, dry, and odor free and kept in a neat and sanitary condition. Odors from Poultry shall not be perceptible beyond the property boundaries. Noise from Poultry shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity. Nothing in this ordinance shall be construed to prevent Owners from allowing small poultry flocks to range free, however, as long as that range is strictly

understood to be the Owner's and abutting premises - when permission has been specifically granted for the latter - and provided the odor and noise conditions for confined poultry above are not violated.

4. Impoundment

(A) An Enforcement Official, in addition to any other remedies available by statute or this Ordinance, may impound any Poultry found off the premises of the Owner. Within twenty-four (24) hours after impounding such Poultry, the Enforcement Official shall give notice to the Owner, informing the Owner of the violation and the Remedial Action necessary to release the Poultry from impoundment.

(B) If the Owner of the Poultry is unknown, the Enforcement Official shall, within twenty-four (24) hours of impoundment, post a notice in the Town Clerk's office and three (3) public places in the Town. The posted notice shall include a description of the Poultry, the time and place the Poultry was found or impounded, and the name, address and telephone number of the Enforcement Official. The notice shall be posted for ten (10) days.

(C) Impounded Poultry shall be released to the Owner only after completion of all Remedial Action and payment of all Impoundment Expenses. If Poultry is not claimed from impoundment, or the Owner gives notice to the Enforcement Official of forfeiture of ownership, or the Owner fails to take the Remedial Action required to secure the Poultry's release or fails to pay all Impoundment Expenses, the Poultry may be transferred to a humane society or rescue organization, or humanely destroyed. In such case, the Owner shall remain liable for all Impoundment Expenses.

5. Civil Penalty; Other Enforcement

(A) Any Owner who violates Section 3 of this Ordinance shall be subject to a Civil Penalty of up to $800.00 per day for each day that such violation continues. An Enforcement Official shall be authorized to act as an issuing municipal official to issue and pursue before the Judicial Bureau a municipal ticket. Each day a violation continues shall constitute a separate violation. An Enforcement Official is authorized to recover Civil Penalties and Waiver Fees in the following amounts for each violation:

	Civil Penalty	Waiver Fee
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

A municipal ticket may, at the discretion of the Issuing Municipal Official and the Selectboard, be dismissed upon the successful completion – within 90 days - of a mediated neighborhood discussion such as that offered by the Springfield Restorative Justice Center (http://cjnvt.org/center/springfield-restorative-justice-center/) or its like.

(B) In addition to the enforcement procedures available before the Judicial Bureau, 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.

6. Other Laws

This Ordinance is in addition to all other ordinances of the Town of West Windsor and all applicable laws of the State of Vermont.

7. 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.

8. Effective Date

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

Adopted this 11th day of June, 2018.

Town of West Windsor Selectboard

Edwin Johnson, Chair

Brett Myers

Matt Kantola

Adoption History:
Agenda item at regular Selectboard meeting held on June 11, 2018.
Read and approved at regular Selectboard meeting on June 11, 2018 and entered in the minutes of that meeting which were approved on June 25, 2018.
Posted in public places on June 15, 2018.
Notice of adoption published in the *Vermont Standard* newspaper on June 21, 2018 with a notice of the right to petition.
Other actions (if applicable):