

Chapter 4

ANIMALS\*

Art. I. In General, §§ 4-1—4-25

Art. II. Dogs, §§ 4-26—4-36

ARTICLE I. IN GENERAL

Secs. 4-1—4-25. Reserved.

ARTICLE II. DOGS†

Sec. 4-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*At large* shall mean not under restraint.

*Canine control officer* shall mean the person designated by the town as responsible for dog control as prescribed by state statute or in his absence any sworn police officer of the town.

*Dog* shall mean any animal of the canine species.

*Owner* shall mean the person or group of persons who own, harbor or keep any dog.

*Public nuisance* shall mean a dog which:

- (1) Annoys pedestrians or obstructs vehicular traffic;

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\***Cross references**—Administration, Ch. 2; health, sanitation, nuisances, Ch. 7; allowing diseased animals to run at large prohibited, § 7-47(2); animal carcasses to be disposed of within twenty-four hours after death, § 7-47(4); certain animals restricted, § 7-48; streets, sidewalks and other public places, Ch. 10; zoning, Ch. 15.

**State law reference**—Animals, 20 V.S.A. 3549.

†**Cross reference**—Nuisances, § 7-26 et seq.

**State law reference**—Animals, 20 V.S.A. 3549.

- (2) Attacks other animals or dogs;
- (3) Damages public or private property; or
- (4) Barks, whines or howls in an excessive, continuous fashion.

*Restraint* shall mean:

- (1) Secured by a leash or lead not more than eight (8) feet long or under the control of a responsible, competent person and obedient to that person's command;
- (2) Within the real property limits of the owner or upon private property with the permission of the owner of the private property;
- (3) Upon public property for properly defined purposes such as hunting; and
- (4) For dogs in heat, restraint shall be interpreted to mean being kept humanely confined to a building or secured enclosure and under control of the owner.

*Vicious dog* shall be defined as determined by Vermont Statutes Annotated, Title 20, Chapter 193 as any dog which constitutes a physical threat to human beings or other animals.

(Ord. No. 0-80-4, § I, 10-13-80)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 4-27. License required.**

(a) Any person owning, keeping or harboring a dog over six (6) months old within the town must obtain a license for that dog as prescribed by 20 V.S.A. §§ 3581 through 3592.

(b) A surcharge of one dollar (\$1.00) per license shall be levied on all dog licenses issued to assist in the funding of dog control functions.

(c) If an owner licenses a dog after April 1, and before the board of selectmen issue the warrant, the owner shall be required to pay the dog licensing late fee as prescribed by 20 V.S.A. 3581(a).

(d) Upon the issuance of the warrant by the board of selectmen, any owner who is visited by the canine control officer or the town constable and is notified of the necessity of having the dog li-

censed shall be required to pay a ten-dollar per dog penalty in addition to the licensing and late fees prescribed by 20 V.S.A. 3581(a).

(e) Any owner, after being warned by the canine control officer or town constable pursuant to the dog warrant, who does not license their dog within seven (7) calendar days shall immediately be cited for a fine of twenty-five dollars (\$25.00).

(f) Any owner who, after the full provisions of this section have been followed, still does not license the dog shall be subject to having the animal impounded and destroyed as per the dictates of the warrant with any and all fines remaining as binding.

(Ord. No. 0-80-4, § II, 10-13-80)

**Cross reference**—Licenses and business regulations, Ch. 8.

#### **Sec. 4-28. Restraint and prevention of public nuisance.**

(a) All dogs shall be kept under restraint as defined by section 4-26.

(b) No owner shall fail to exercise proper care and control of a dog such that the dog will not become a public nuisance as defined by section 4-26.

(c) Vicious dogs shall be handled as per the dictates of 20 V.S.A. Chapter 193. In addition, a dog which is suspected of being vicious against which a complaint has been issued shall be confined by the owner within a building or secured enclosure and shall be securely muzzled or caged whenever off the premises of the owner until such time as a final determination of its status is made.

(d) A dog which has bitten a person shall be confined as per 20 V.S.A. Chapter 195 and such regulations adopted pursuant thereto.

(Ord. No. 0-80-4, § III, 10-13-80)

**Cross reference**—Nuisances, § 7-26 et seq.

#### **Sec. 4-29. Unrestrained dogs impounded.**

(a) Any dog found unrestrained and running at large, either by discovery or complaint, shall be subject to impoundment by the canine control officer.

(b) The first time a dog is observed running at large by the canine control officer or is impounded by the canine control officer, the owner, if known, shall be notified by written notice to keep the dog under restraint.

(c) If after due notice pursuant to (b) above, a dog is observed by the canine control officer as not being under restraint or is impounded by the canine control officer while not under restraint, the owner of the dog shall be considered in violation of this article and subject to all penalties and fees in section 4-36.

(d) All dogs impounded under (c) above shall be impounded in the animal shelter in a humane manner.  
(Ord. No. 0-80-4, § IV(A)—(D), 10-13-80)

#### **Sec. 4-30. Impoundment procedure.**

(a) The canine control officer shall give written notice of the impoundment by certified mail, return receipt requested or hand delivery within twenty-four (24) hours to the owner of the dog and signed as received by the owner.

(b) Impoundment of a dog shall not exceed five (5) days unless special circumstances exist and arrangements are made mutually between the poundkeeper and the owner.

(c) Any dog not claimed by its owner within five (5) days or any dog impounded for five (5) days whose owner is unknown shall become the property of the poundkeeper and shall be placed up for adoption in a suitable home or euthanized.

(Ord. No. 0-80-4, § IV(E)—(G), 10-13-80)

**Cross reference**—Streets, sidewalks and other public places, Ch. 10.

#### **Sec. 4-31. Recovery of impounded dogs.**

(a) Impounded dogs may be recovered only after the payment of the required fees as set forth below:

- (1) *Unlicensed dogs*: No unlicensed dog can be recovered unless all license fees, surcharges, and penalties are paid and a license is obtained.

- (2) *Licensed dogs*: Impoundment fees and costs are to be paid as follows:
- a. First impoundment, a fee of fifteen dollars (\$15.00) paid to the town. An additional fee of twenty-five dollars (\$25.00) will be assessed the dog was transported to the Humane Society by the canine control officer, plus five dollars (\$5.00) per day board paid to the Humane Society.
  - b. Second impoundment in a twelve-month period, a fee of twenty-five dollars (\$25.00) paid to the town. An additional fee of twenty-five dollars (\$25.00) will be assessed if the dog was transported to the Humane Society by the canine control officer, plus five (\$5.00) per day board paid to the Humane Society.
  - c. For the third impoundment and all impoundments thereafter in a twelve-month period, a fee of thirty-five dollars (\$35.00) paid to the town. An additional fee of twenty-five dollars (\$25.00) will be assessed if the dog was transported to the Humane Society by the canine control officer, plus five dollars (\$5.00) per day board paid to the Humane Society.

(b) Once an owner has ascertained that his dog has been impounded, a release must be obtained by paying all license and impoundment fees due at the town offices and remitting all fees due to the Humane Society before the dog can be released.  
(Ord. No. 0-80-4, § V, 10-13-80; Ord. No. 94-1, § II, 12-19-94)

**Sec. 4-32. Dogs declared a public nuisance.**

(a) If, after investigation, the canine control officer finds that a dog is a public nuisance and/or not restrained, as defined in section 4-26, then any owner, keeper or harbored of the dog shall be issued a Vermont Municipal Complaint with a fine not to exceed five hundred dollars (\$500.00).

(b) For the purpose of this section, a repeat violation within a twelve-month period shall constitute a successive case.  
(Ord. No. 0-80-4, § VI, 10-13-80; Ord. No. 94-1, § II, 12-19-94; Ord. No. 95-1, 10-16-95)

**Cross reference**—Nuisances, § 7-26 et seq.

**Sec. 4-33. Humane treatment.**

(a) No owner shall fail to provide his dog with sufficient food, water, shelter and proper medical attention.

(b) No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse a dog.

(c) No person shall cruelly or permanently abandon a dog for any reason.

(Ord. No. 0-80-4, § VII, 10-13-80)

**Sec. 4-34. Damage by dogs.**

The owner of a dog shall be responsible for the costs of all damage done by his dog to private property as assessed by 20 V.S.A. Chapter 193.

(Ord. No. 0-80-4, § VIII, 10-13-80)

**Sec. 4-35. Reserved.**

**Editor's note**—Ord. No. 94-1, § II, adopted Dec. 19, 1994, repealed § 4-35 in its entirety. Former § 4-35 pertained to due process and appeals, and derived from Ord. No. 0-80-4, § X, adopted Oct. 13, 1980.

**Sec. 4-36. Fee assessments, surcharges or administrative charges.**

All fee assessments, surcharges and/or administrative charges as set out in 13 V.S.A. 7251 amended collected pursuant to violations of this chapter shall be added to the prescribed fine(s).  
(Ord. No. 94-1, § II, 12-19-94)

**Editor's note**—Ord. No. 94-1, § II, adopted Dec. 19, 1994, repealed § 4-36 and added a new § 4-36. Former § 4-36 pertained to penalties and derived from Ord. No. 0-80-4, § IX, adopted Oct. 13, 1980.

**Sec. 4-37. Waiver fines.**

The waiver fines for violations under Chapter 4 shall be twenty-five dollars (\$25.00) for the first violation, the fine doubling for each successive violation in a twelve-month period, not to exceed five hundred dollars (\$500.00).

(Ord. No. 94-1, § II, 12-19-94)

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