

## Chapter 6 ANIMALS\*

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\* **Editors Note:** An amendment adopted on Apr. 27, 2010 deleted the former Ch. 6, §§ 6-1--6-12, and enacted a new Ch. 6 as set out herein. The former Ch. 6 pertained to animals and derived from Ord. of 5-9-89; Ord. of 6-9-92; Ord. of 9-10-96; Ord. of 9-9-97; Ord. of 4-18-01.

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### Sec. 6-1. Definitions.

As used in this chapter, unless the content otherwise indicates:

*At large* shall mean off the premises of the owner, and not in the presence of and under the control of the owner, a member of his immediate family, or an agent of the owner.

*Dog* shall include both male and female canine species, and wolf-hybrid as defined in V.S.A. Title 20, Section 3541.

*Municipal pound* shall mean any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding and caring for animals under hygienic conditions held under the authority of this chapter or state law.

*Owner* shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog.

*Public nuisance* shall mean any dog which may be running at large, and creates a disturbance or menace off the premises of the animal's owner, through its stalking, barking, feces deposits or worrying another animal, shall be deemed to be creating disruption to the general public.

*Under control of such person* means that at all times the dog is prevented from causing injury, damage, disturbance and annoyance.

*Vicious dog* shall mean a dog which causes immediate fear or bodily harm by attack or threatening to attack a person.  
(Amd. of 4-27-2010)

### Sec. 6-2. Running at large.

A person who owns, harbors, keeps or controls a dog(s) shall not allow said dog(s) to run at large off the premises of said person's property on any public or private property.  
(Amd. of 4-27-2010)

### Sec. 6-3. Disturbance by noise.

No person shall keep or harbor any dog which, by frequent or long-continued noise, disturbs the comfort or repose of persons in the vicinity.  
(Amd. of 4-27-2010)

#### **Sec. 6-4. Impounding.**

(a) Any dog running at large on public land or on land of other than the owner may be impounded by any police officer, constable or other person designated by the town for the control of dogs after such person(s) has determined that the animal poses a health threat or has been identified as being a public nuisance.

(b) The impounding of any dog for quarantine because of a bite to another animal or human shall be the decision of the investigating officer at that time. Impounding may be at the home of the animal's owner or at the kennel that the town designated as a town kennel. Under no circumstances will the animal be quarantined at a private nondesignated kennel, pet agency, or retail establishment.

(c) In the event that any dog shall be impounded three (3) times (in a twelve-month period), the town acting by and through its board of selectmen may, at their discretion, hold a public hearing on the matter, after which they may order the animal placed for adoption or humanely destroyed.  
(Amd. of 4-27-2010)

#### **Sec. 6-5. Notice to owner and redemption.**

(a) No later than twenty-four (24) hours after impoundment of any dog, the police department shall notify the owner by phone, if he has a listed number. After such notice or if the owner of the dog is unknown to the impounder or can not be reached by phone, written notice shall be posted on or before 9:00 a.m. of the next following day in the municipal building describing the dog and the time and the street where taken.

(b) In the event the dog is impounded after 5:00 p.m. on Friday and before 9:00 a.m. on Mondays, and the owner cannot be notified by phone, within twenty-four (24) hours of impoundment, the police department shall attempt to notify the owner.

(c) The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all impoundment fees and other charges required under this chapter. A refundable cash bond in the amount of thirty-five dollars (\$35.00) may be paid by the owner in lieu of the license fee if the town clerk's office is not open or the animal needs vaccination prior to licensing. This cash bond shall be returned to the owner upon proper licensing of the animal. Failure to properly license the animal within seven (7) days shall cause forfeiture of the cash bond and the owner shall be subject to all penalties provided for by ordinance. Upon reclamation of dogs, the owner will be made aware of the violation and time and street where taken.

(d) The fee shall be paid in cash to the town treasurer, if open, or the police department.  
(Amd. of 4-27-2010)

#### **Sec. 6-6. Disposition of unclaimed animal.**

It shall be the duty of the animal control officer or other official designated by the selectmen to keep all dogs so impounded for a period of four (4) days. If, at the expiration of three (3) days from notification of impoundment as provided for in section 6-5, such dog shall not have been redeemed, it may be sold, given away or disposed of in such a way as not to become a burden to the town.

(Amd. of 4-27-2010)

#### **Sec. 6-7. Impoundment fees; nonredemption of dogs.**

(a) Any dog impounded under the provisions of this chapter shall be released only on payment of thirty dollars (\$30.00) impoundment fee for the first impoundment, a penalty of sixty dollars (\$60.00) for the second impoundment and a penalty of one hundred twenty dollars (\$120.00) for third penalty and for each penalty thereafter an additional seventy-five dollars (\$75.00) shall be added to the third penalty.

(b) Any owner, if known, who elects not to redeem his/her dog and does not pay the boarding fees, impoundment fees, or any other fees associated with the impoundment may be assessed all of said fees and charges in a civil action brought under this chapter.

(Amd. of 4-27-2010)

#### **Sec. 6-8. Violation notice.**

In addition to, or in lieu of, impounding a dog found at large, as defined in section 6-2, a municipal officer may issue to the known owner of such animal a municipal complaint pursuant to chapter 1, section 1-9.

(Amd. of 4-27-2010)

#### **Sec. 6-9. Penalties.**

Any person violating any provision of this chapter shall be punished by a fine pursuant to chapter 1, section 1-9 of this Code. If any violation continues, each day's violation shall be deemed a separate violation. If any person is found guilty by a court violating any sections of this chapter, his permit to own, keep, harbor or have custody of animals may be revoked and no new permit issued.

(Amd. of 4-27-2010)

#### **Sec. 6-10. Vicious dog investigation.**

Upon written complaint by three (3) residents of the town that a dog is alleged to be vicious, the selectboard may hold a hearing on the facts of the complaint, and if the dog is found to be vicious, make such order as necessary to protect the public.

(Amd. of 4-27-2010)

**Sec. 6-11. License and rabies vaccination required.**

(a) All dog owners shall be required to annually register and license the animals in a manner prescribed by the town with the town clerk's office.

(b) All dog owners shall obtain and be required to demonstrate proof of current rabies vaccination as a requirement of the annual license application.

(c) Pursuant to 20 V.S.A., section 3581(c), a dog license fee surcharge of one dollar (\$1.00) per license shall be added to those fees prescribed by law to establish an animal control and dog listing program as allowed by law.  
(Amd. of 4-27-2010)

**Sec. 6-12. Authority of board of selectmen to formulate contracts, rules and regulations and develop policies to implement chapter.**

The board of selectmen shall have the authority to formulate contracts, rules and regulations and develop policies to implement this chapter.  
(Amd. of 4-27-2010)