

TOWN OF POULTNEY, VERMONT
NOVEMBER 9, 2010
ANIMAL CONTROL ORDINANCE

Adopted: November 9, 2010

Effective: January 9, 2011

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ARTICLE 1: AUTHORITY

Pursuant to 20 VSA Chapters 191 and 193, Section 3549; and 24 VSA Sections 2291(10) and 1972(a), the Selectmen of the Town of Poultney, Vermont hereby adopt the following ordinance to regulate the control of domestic pets and wolf-hybrids within the Town of Poultney.

This ordinance is designated as a civil ordinance pursuant to 24 VSA Section 1971(b).

ARTICLE 2: NUISANCE ANIMALS

No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals which:

- (1) Molests or harasses passersby or passing vehicles;
- (2) Attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal.
- (3) Attacks other animals;
- (4) Damages property other than that of its owner;
- (5) Defecates off the premises of the animal's owner, and the owner or other individual in control of the animal, fails to remove such deposit immediately;
- (6) Barks, whines, howls or cries in an excessive and continuous fashion (greater than 15 minutes) so as to disturb the peace and quiet of any other person.

ARTICLE 3: DEFINITIONS

The following definitions shall apply to this article:

- (a) At-large. At-large shall mean not under the control of the owner, or another competent and responsible individual either by vocal command, leash, cord, chain or other similar means of physical restraint.
- (b) Dog. Dog shall include both male and female of the canine species. Dog shall also mean any animal which is considered to be a wolf-hybrid as defined in 20 V.S.A. Section 3541(8).
- (c) Enforcement official. Enforcement official when used herein shall mean any animal control officer, police officer, constable pound keeper or other individual specifically designated by the Select Board to enforce the provisions of this ordinance.
- (d) Owner. Owner shall include any person or persons, firm, association or corporation owning, keeping, harboring or having control of a dog.

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(e) "Vicious dog." Vicious dog means a dog that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. Section 3541. Vicious dog shall mean a dog which attacks or bites a person or other domestic pet or domestic animal and the person, domestic pet or domestic animal attacked or bitten requires medical attention, but was not trespassing on the property of the owner of the attacking animal. Vicious dog complaints shall be investigated pursuant to Article 17 of this ordinance.

(f) Service Animals Service animal means any dog or other common domestic animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing minimal protection or rescue work, pulling a wheelchair, fetching items, assisting an individual during a seizure, retrieving medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, assisting individuals, including those with cognitive disabilities, with navigation and law enforcement K-9 animals. Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being are not service animals.

(g) Working farm dog. Working farm dog means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to subsection 3581(8) of Title 20 VSA as amended.

ARTICLE 4: DISTURBANCES AND NUISANCES

Prohibition: No dog shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog.

ARTICLE 5: AT-LARGE PROHIBITED

Prohibition. No person shall permit a dog owned by him/her or under his/her control to be at-large as defined in Article 3 of this ordinance or to trespass upon the property of another, public or private, except if the dog is on the premises of the dog's owner.

ARTICLE 6: REMOVAL OF DOG WASTE REQUIRED

The owner, keeper or person in control of any dog shall be responsible for the removal of any defecation deposited by such dog on any public or private property.

ARTICLE 7: POISONING DOMESTIC PETS

Any person who shall poison any domestic pet or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any domestic pet or who shall willfully maim or

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injure a domestic pet shall be guilty of violating a civil ordinance, in addition to any applicable criminal statute.

ARTICLE 8: BARKING PROHIBITED

It shall be unlawful for any owner of a dog to permit it to disturb the quiet of any person by unreasonable barking or howling greater than 15 continuous minutes. This article shall not apply to any "working farm dog" while employed as such.

ARTICLE 9: DOGS ON SCHOOL OWNED PROPERTY

Prohibition No person shall permit a dog owned by him/her or under his/her control to enter upon the property known as the Poultney Elementary Graded School (including the athletic fields) and the property known as the Poultney High School (including the athletic fields) unless permission is granted by the respective School Principals.

Exception Service animals, as defined in this ordinance, and law enforcement K-9 animals shall be permitted to enter upon this property. Also dogs used for educational or entertainment as permitted by the school administration.

ARTICLE 10: LICENSE REQUIRED

The owner of a dog that is more than six (6) months old shall cause it to be registered, numbered, described, and licensed in accordance with the provisions of Title 20, Chapter 193 of the Vermont Statutes Annotated, as amended.

All unlicensed dogs found within the limits of the Town of Poultney may be impounded or destroyed in a humane way by a Police Officer or Constable when so ordered by the Select Board, subject to due process notice and hearing under Article 17.

ARTICLE 11: COLLAR REQUIRED

The owner of a dog shall keep on such dog whenever such dog shall be off the premises of the owner a collar or harness and fasten securely to the collar or harness and keep attached to it the license tag issued by the Town. It shall be unlawful for any person other than the owner or his agent or any officer to remove a license tag from a dog.

ARTICLE 12: OFFENSES/VIOLATIONS/FINES

A violation of any provision of this ordinance by any person shall be deemed a civil ordinance violation and shall be punishable by the following penalties:

(1) First offense

A first offense of any provision of this chapter in any twelve-month period may first receive a written warning or be fined of not more than one hundred dollars(\$ 100.00).

(2) Second offense

A second offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than seventy-five dollars (\$75.00) and no more than two

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hundred dollars (\$200.00).

(3) Third and subsequent offenses

A third or subsequent offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than one hundred and fifty dollars (\$150.00) and no more than five hundred dollars (\$500.00).

The Select Board may establish wavier fines for each of the above offenses. In addition to the penalties provided in this section, any animal found in violation of this ordinance may be impounded as provided in Article 13 of this ordinance.

ARTICLE 13: IMPOUNDMENT

(a) Authority to impound

Dogs in violation of any provision of this ordinance may be taken by the enforcement officer and impounded in an area determined by the Board or in a suitable commercial kennel, veterinary clinic or similar impoundment facility to secure the dog and there confined in a humane manner.

Every police officer, constable, or animal control officer or other town official so authorized by the Select Board shall have the authority to apprehend any dog found at large and to impound such dog in the town pound, commercial kennel, veterinary clinic or such other suitable impoundment facility designated by the board of selectmen.

Upon impounding any dog, a record, on a form prescribed, shall be made by the impounding officer of the breed, color, and sex of such dog, where it was caught, and whether it was licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. The record of the impounding officer shall be filed immediately with the Town Manager and Town Constable.

ARTICLE 14: PROPERTY OWNER MAY IMPOUND

Any person finding any dog upon his property to his injury or annoyance may hold the dog in his possession and as soon as possible notify a constable, police officer, or dog officer of this custody, giving a description of the dog and the name of the owner, if known. The animal control officer, police officer, or constable, after receiving the notice, is authorized to appear at the premises and take possession of the dog and remove it to the Town in a secured confined area (pound) or to an appropriate location approved by the Select Board pound.

ARTICLE 15: NOTICE OF IMPOUNDMENT

Within twenty-four (24) hours of the impoundment of any dog under this ordinance, the enforcement officer shall make every reasonable attempt to notify the owner if known, of the impounded dog of such impoundment and if not known, to post at the Town Offices a notice containing a description of the dog and when and where it was caught.

Such notice shall include either personal contact with the owner or a written notice posted or left at the dwelling house of the owner.

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ARTICLE 16: REDEMPTION OF IMPOUNDED DOGS

The owner of any dog so impounded may reclaim such dog upon payment of all costs and charges incurred by the Town for impounding and maintaining the dog, as well as payment to the Town Clerk of the license fee if the dog is unlicensed.

(a) Impoundment fees

Any dog impounded under the provisions of this ordinance shall be released only upon payment of a fifteen (\$15) impounding fee and boarding fees.

(b) Boarding fee

In addition to the impound fee charged herein there shall be an additional charge per day for the actual cost for boarding at a commercial kennel, veterinary's office or similar suitable impoundment facility designated by the board of selectmen for each day the dog is impounded.

(c) Town Manager to collect fees before releasing dog

It shall be the duty of the Town Manager to collect all pound and board fees before releasing a dog. No impounded animal may be released without a receipt from the Town Manager during regular business hours.

(d) Unlicensed dogs to be licensed before release.

If an impounded dog is unlicensed, in addition to the impounding and boarding fees set forth herein, the dog shall not be released without the payment of the license fee require by State law, except that if the impounded dog has not had its proper vaccinations to be registered a thirty-five dollar (\$35.00) cash deposit shall be posted with the Town Clerk or his or her designated agent(s) until proof of registration is presented. A dog released under cash deposit shall be registered within two (2) working days after its release. If the dog is not registered within the time period set forth herein, the cash deposit shall be forfeited and the owner of the animal shall be subject to additional penalties under the provision of 20 V.S.A. Chapter 193.

(e) Disposition of unredeemed dogs

If any impounded dog with or without a current and effective license established by proof of a dog license tag, is not redeemed within (14) days of its impoundment, it shall be delivered to the Rutland County Humane Society for their disposition.

(f) Interference with impoundment

Any person who interferes with the impounding of a dog under provision of this article or releases, or who attempts to release an impounded dog contrary to this article shall be in violation of this ordinance in addition to any other violation of the law.

(g) Repeated impoundment

In the event that any dog shall be impounded three (3) or more times in a twelve-month period, the Select Board may, at the request of an enforcement officer, or in its discretion, hold a hearing after which it may make such order as is necessary to protect the public. Such order may include, but is not limited to, any of the following; confinement in a

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secure enclosure or other similar restriction, muzzling, or adoption.

(h) Penalty for violation of orders

Any person who violates any provision of any order of the Select Board shall be guilty of a civil violation and shall be punishable by a fine from one hundred dollars (\$100.00) to five hundred dollars (\$500.00).

ARTICLE 17: ANIMAL CONTROL HEARINGS

(a) Vicious dogs

A. When a domestic pet has bitten a person or another domestic pet or domestic animal while the offending domestic pet is off the premises of the owner or keeper, and the person, domestic pet or domestic animal bitten requires medical attention for the attack, such person or owner may file a written complaint with the board of selectmen. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the board of selectmen in conducting its investigation required by subsection (b) of this section.

B. The board of selectmen, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.

C. If the domestic pet is found to have bitten the victim without provocation, the board of selectmen shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation that the domestic pet is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in Article 12.

D. The procedures provided in this section shall only apply if the domestic pet is not a rabies suspect. If a member of the Select Board or a municipal official designated by the Select Board determines that the animal is a rabies suspect, the provisions of 20 V.S.A. subchapter 5 and the rules of the Department of Health shall apply.

ARTICLE 18: REPEAL

Any other ordinance, amendment or regulation relating to the control of dogs is hereby repealed.

ARTICLE 19: 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.

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ARTICLE 20: AMENDMENTS

This ordinance may be amended by a majority vote of the Board of Selectmen at any duly constituted meeting in accordance with 24 VSA Section 1972.

ARTICLE 21: EFFECTIVE DATE

This ordinance shall become effective 60 days after its adoption by the Poultney Select Board unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 V.S.A. § 1973.

Adopted this 9 day of Nov., 2010

By the Town of Poultney Select Board



Patricia Roberts, Chairperson



Edward Lewis, Vice Chairman



Ernie DeMatties



Thomas Beatty

Frank Fressie

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Schedule of Waiver Penalties and Fees

Effective January 9, 2011

Offenses/Violations - Article 12

	<u>Minimum</u>	<u>Maximum</u>	<u>Waiver</u>
First Offense:	written warning	\$100	\$ 50
Second Offense:	\$75	\$200	\$ 50
Third Offense:	\$150	\$500	\$100

Impoundment Fees - Article 16(a)

First Impounding	\$15
Second Impounding	
Within 12 months	\$30
Third Impounding	
Within 12 months	\$60

Boarding Fees - Article 16(b)

The actual boarding charge by the suitable facility

No boarding fee for second day if claimed within two (2) hours of the opening of business.

Dog License – as provided by 20 V.S.A. § 3581. Fees as of Jul 1, 2010 are

Before April 1

Neutered/spayed	\$8
Unneutered/unspayed	\$12

After April

Neutered/spayed	\$10
Unneutered/unspayed	\$16

Unlicensed Dog Without Current Vaccinations - Article 16(d)

Cash Deposit to be posted with Town Clerk \$35