

TOWN OF SHAFTSBURY
Dog Ordinance
As amended 03/09/2011

Pursuant to the authority conferred by 24 V.S.A. Section 1971 and 20 V.S.A. Section 3549 the following Dog Ordinance for The Town of Shaftsbury is hereby adopted.

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Section 1. - Definitions

Dog – any animal of the canine species

Owner – the person to whom the dog is registered, or any person or group of persons who own, harbor or permit any dog to be or remain in or about buildings or premises owned or occupied by them.

Notice – notice under the ordinance shall be deemed sufficient when mailed first class mail to the last known address of the person to whom the dog is registered.

Vicious Dog – a dog which causes reasonable fear or bodily injury by attacking or threatening to attack by pursuit any person or pet lawfully at the place of attack.

Running at Large – to move at will without control, restraint or limitation to property lines of owner or keeper’s premises.

Section 2. – License Required

It shall be the duty of every person owning, keeping or harboring any dog over six (6) months of age, within the Town of Shaftsbury, to procure annually on or before April 1, a license within the Town of Shaftsbury in accordance with Chapter 193, Title 20, Sections 3581, 3582 and 4003 of the Vermont Statutes Annotated, as amended. Every dog shall wear a collar with attached license at all times. Failure of the responsible party to comply shall be a violation of this Ordinance and State statutes. Refer to Section 7 – Penalties.

Section 3. Running at Large Prohibited

Running at Large, as defined, shall be a violation of this ordinance. The owner or keeper may have his dog off the premises only when the dog is:

- A. Securely held on a leash no longer than 10 feet.
- B. Within a vehicle preventing escape
- C. Hunting with its owner or keeper.

D. Clearly subject to the verbal or signaled command of such owner or keeper and within the site of the owner or keeper and not trespassing upon or damaging the private property of others. A presumption shall arise hereunder that a dog is not clearly subject to the verbal or signaled command of such owner or keeper if it bites or otherwise comes into physical contact with any animal or person other than the owner or keeper.

Section 4. -Nuisances Prohibited

Sub-Section 4A. – Barking or Howling Dogs

No person shall keep or harbor any dog which by frequent or habitual barking, howling, or yelping disturbs the peace and quiet of persons of ordinary sensibility.

Sub-Section 4B. – Dog in Heat

Any dog in heat shall be kept confined within a secure building or fence or attended on a leash by a responsible adult at all times and shall not be permitted to be at-large within the Town of Shaftsbury. Any dog in heat kept in violation of this ordinance may be impounded as a nuisance, and the owner subject to fine. The impoundment shall continue until the Animal Control Officer, in his or her discretion, determines that the dog is no longer in heat. Notice of impoundment shall be given to the owner of the dog pursuant to Section 6 below.

Sub-Section 4C. – Dog waste

The owner, keeper or person in control of any dog shall be responsible for the removal of any defecation deposited by such dog on public properties listed in this section and the disposal of said waste in a sanitary manner. This provision shall apply to:

1. Paved sidewalks and associated public rights-of-way.
2. Regularly maintained areas of public parks.

Sub-Section 4D. - Other Nuisances

Further nuisances include any dog that pursues or chases pedestrians or vehicles, or that attacks other dogs, livestock, poultry or other domestic animals while in violation of Section 3.

Section 5. – Vicious Dog

In the event of a biting incident or purported biting incident, attack, or a threat of attack, the Animal Control Officer may call a hearing before the Board of Selectmen to determine whether the alleged conduct makes the dog a "vicious dog" as defined hereunder. The hearing shall be held upon ten (10) days written notice to the owner of the dog and the animal Control Officer, or his or her designee, and the owner shall each have the opportunity to present fully all relevant evidence. The decision of the Board of Selectmen shall be in Writing and shall be kept on file in the office of the Shaftsbury Town Clerk. Determination by the Board of Selectmen that the dog is a "vicious dog" shall constitute a violation of this ordinance.

Notwithstanding anything hereinabove stated, the Animal Control Officer shall at all times have

discretion to determine whether a dog shall be impounded by the owner, or as arranged by the Town, if he or she at any time determines that a dog is a threat to person or property.

Notification is required when a dog declared by the Animal Control Officer to be a vicious dog is sold or given away. The previous owner or keeper shall inform the new owner or keeper that the dog has been declared a vicious dog, and also inform the Animal Control Officer or other designated official of the Town of Shaftsbury of the change of ownership and the identity and location of the new owner.

Section 6. – Violation

Any dog found in violation of this ordinance or in violation of the terms or provisions of 20 V.S.A. 3341 et seq., or violation of any other law of the State of Vermont is liable to impoundment by the Animal Control Officer in a designated facility and to be confined in a humane manner for a period of five (5) days unless sooner claimed by its owner-keeper. The Animal Control Officer shall notify the dog's owner, if known, of the dog's impoundment and its place of confinement. After five (5) days from the time the owner was notified, the dog may be placed for adoption or humanely euthanized at the discretion of the Animal Control Officer. The owner or keeper shall be liable for all fines and for all costs incurred.

If the owner or keeper of an unlicensed dog is located and wishes to claim the dog, the Animal Control Officer shall not release the dog until evidence of current rabies inoculation is shown and a license obtained. In lieu of this, the Officer shall collect the proper sum of money to forward to the dog owner's veterinarian and to the Town Clerk for vaccine and license. The owner shall also pay to the Town a fine of \$10 plus any impounding charges. No dog shall be released to its owner without determination by the Animal Control Officer of full compliance with this ordinance and related State statutes, including compensation for costs or damages incurred by the Town or a property owner, unless in violation of licensing of a dog. Refer to Section 7 – Penalties on non-licensing of a dog.

Sub Section 6A. – Dog Bites

When a domestic pet of wolf-hybrid has bitten a person or another animal while off the premises of an owner or keeper and the person or animal bitten requires medical attention, such person or owner of the bitten animal may file a complaint describing the nature of the attack with the Town's Board of Selectmen. Within seven (7) days of the complaint, the Board of Selectmen shall conduct an investigation and notify, when possible, to ascertain such, the owner or keeper of the domestic pet or wolf-hybrid as to the date and time of the investigative hearing.

When it is determined that a bite occurred without provocation, the Board of Selectmen shall make an order of protection which may include, but is not limited to the confinement, chaining, muzzling or humane destruction of the animal in question. The order will be sent to the owner or keeper by certified mail, return receipt requested. Failure to comply with the order will subject the owner or keeper to the penalties provided in 20 V.S.A. Section 3551, as amended.

Section 7. - Penalties

Any person who violates any licensing provision of this ordinance shall be fined \$10.00 if the dog is not licensed by April 1, but is subsequently licensed on or before May 30. The owner of a dog on the

unlicensed dog list given to the Selectmen by the Town Clerk after May 30 will be subject to a fine of \$150.

Sub Section 7A. – Unlicensed Dog List

The owner of an unlicensed dog which is not on the unlicensed dog list given to the Selectmen by the Town Clerk after May 30 will be subject to a \$10. fine. The owner shall be given a two-week period following receipt of notification of violation to comply with the licensing requirements of this ordinance, and if they fail to properly license the dog and pay any and all outstanding costs and fines within two weeks of receipt of said notice, then they will be subject to a fine of \$150.

Sub-Section 7B. – Non-Licensing Provision

Any person who violates any non-licensing provision of this Ordinance shall be fined \$35. for the first offense, \$75. for the second offense, and \$150. for the third offense and for each offense thereafter. In addition to the above, said person shall be responsible for all impoundment and boarding fees, and all costs incurred by the Town of Shaftsbury in prosecuting any violation for this Ordinance or related Vermont Statutes in Vermont District Court, including but not limited to, attorney's fees. The time period to determine repeat offenses shall be two years from the date of first offense.

Sub-Section 7C. – Waiver Fines

Prompt compliance with a citation shall entitle the party cited to pay a waiver fine in lieu of the statutory fine. Prompt compliance shall be receipt of the fine and any applicable costs by the Town of Shaftsbury within five working days of the date of the citation. Waiver fines shall be \$15. for the first offense, \$40. for the second offense, and \$75. for the third offense and each offense thereafter. Notwithstanding anything hereinabove-stated, no waiver fines shall be available with respect to violation of any of the licensing provisions of this Ordinance.

Section 8. - Severability

If any provision of this Ordinance is held invalid or void, said provision is hereby declared to be separate and entirely severable from this Ordinance and all remaining provisions shall remain in full force and effect.

Section 9. – Inconsistent Provisions

Any prior Ordinance or Ordinances of the Town of Shaftsbury which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

Section 10. – Civil Designation

A violation of this Ordinance shall be a matter enforced in accordance with the provisions of 24 V.S.A. Section 1974a. This ordinance shall be effective sixty (60) days after the adoption date.

Adopted this 9^h day of March, 2011.