

ORDINANCE FOR THE CONTROL OF DOGS
Salisbury, Vermont

The Select Board of the Town of Salisbury, Vermont hereby ordain that the Ordinance for the Control of Dogs be amended, in its entirety, as follows:

PREAMBLE

The Select Board of the Town of Salisbury, Vermont, being mindful of the facts that there are numerous dogs running at large in the Town and that these dogs represent not only a danger to the citizens of this town and other people visiting or driving or bicycling, but also are a source of annoyance and concern to many citizens, hereby declare that it is in the best interest for the health and safety of all citizens that the keeping of dogs within the town limits be controlled as hereinafter set forth.

AUTHORITY

This ordinance is adopted by the Select Board of the Town of Salisbury under authority of 20 V.S.A. Section 3549, 24 V.S.A. Sections 2291 (10, 14 & 15), and 24 V.S.A. Chapter 59.

PURPOSE

It is the purpose of this ordinance to regulate the keeping of dogs [and wolf hybrids], to protect health and safety and to protect the residents' quiet enjoyment of their homes and properties.

SECTION 1 Definitions

As used in this Ordinance, the following words or phrases have the following meanings:

- A. "Dog" shall mean both male and female and include wolf hybrids.
- B. "Running at Large" shall mean a dog which is (1) not on the property of its owner or keeper or is (2) not under the control of the owner or another person.
- C. "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.
- D. "Pound" or "Poundkeeper" shall mean the Addison County Humane Society or such other facility designated by the Select Board to keep dogs found by an enforcement officer to be violating any provisions of this ordinance.
- E. "Enforcement Official" shall mean any Constable, Police Officer or Poundkeeper. It shall also include any other individual specifically designated by the Select Board to enforce the provisions of this Ordinance.
- F. "K-9 Control Officer" shall mean an enforcement official hired by the town of Salisbury for the specific purpose of enforcing this Ordinance.
- G. "Issuing Municipal Official" shall mean any enforcement official as defined above.

SECTION 2 Running at Large

No person shall permit or cause a dog to run at large in the Town. (See definition of "Running At Large")

SECTION 3 Disturbances and Nuisances

- A. No dog shall run at large in the Town.
- B. 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 or endangering the health/safety of the owner or owner's family.
- C. A female dog in heat shall be confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. No person shall own, keep or harbor a dog that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

SECTION 4 Disposal of Fecal Matter

The person in control of a dog that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

SECTION 5 Vicious Dogs

Upon written or oral complaint of any person, the Select Board shall determine whether or not a particular dog complained of is a vicious dog as defined above. In the event the Select Board determines any dog to be vicious, a request may be made by the Board that the dog be muzzled at all times with a muzzle of sufficient strength to prevent the dog from biting any person. Any dog which has been declared vicious and required to be muzzled found running at large shall be seized and killed without notice to the owner. If any dangerous or rabid dog is found running at large and cannot be safely caught and acknowledged, such dog may be slain by any officer. It shall be unlawful for the owner or person having custody of any dog after receipt of notice by an officer that the dog has bitten any person to sell or give away such a dog, or permit it to be taken beyond the limits of the town without having first obtained permission of the Select Board.

SECTION 6 Humane Care of Dogs

All dogs shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog determined by [the constable/police/animal control officer/humane officer] to be without such clean and safe facilities may be impounded.

SECTION 7 Collar and License

- A. Each dog shall be licensed according to the laws of this state and shall wear a collar or harness with the current license attached. An animal that is visiting from out of state must wear a collar or harness with a current license from its home state attached.

B. A dog that is found without a collar or harness and license shall be immediately impounded under authority of 20 V.S.A. Section 3806 and shall be managed under provisions of that statute.

SECTION 8 Impounding

Any enforcement official may apprehend any dog found running at large and may impound such a dog. It shall be the duty of every enforcement official to make a reasonable investigation to determine whether a violation of this ordinance has occurred when an appropriate complaint has been lodged with any enforcement official. If the enforcement official reasonably concludes, pursuant to his investigation, that a dog is running at large, it shall further be his or her duty to apprehend and impound said dog.

An "appropriate complaint" shall be deemed to have been made when a person by telephone to an enforcement official (usually the K-9 Control officer) gives a description of the dog including breed, size, color, and any other distinguishable characteristics and its location.

A person who makes such a complaint shall file in writing with the form furnished by the Town of Salisbury giving his/her name, address, phone number, description of the dog and circumstances under which the dog was believed to be in violation of this ordinance. If no written complaint is filed, the enforcement official at his or her option, may release the dog and charge the complainant with any impoundment fees or boarding fees which may be due.

SECTION 9 Notice of Impoundment and Release from Impoundment

A. The officer who impounds a dog shall, within 24 hours, give notice to the owner thereof, either personally or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.

B. If an impounded dog has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. Section 3806.

C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and after remedial action by the owner. Remedial action shall include but is not limited to such actions as providing a collar and current license and providing a satisfactory plan for compliance with the provisions of this ordinance and with state law.

SECTION 10 Impoundment Fees

It shall be the duty of the dog officer to collect all fees and charges before releasing an impounded dog.

BOARDING CHARGE: At current boarding rate charged by Humane Society

IMPOUNDING FEE:

- A. First offense: \$25
- B. Second offense: \$50
- C. Subsequent offenses: \$100

SECTION 11 Enforcement Before the Municipal Traffic and Ordinance Bureau

Any person who owns a dog that violates any provision of this ordinance shall be subject to a civil penalty of up to \$500 per day each day that such violation continues. Any enforcement official may act as an issuing municipal official and issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint for any dog found to have violated any provisions of this Ordinance. This right to enforcement before the Traffic and Municipal Ordinance Bureau shall be in addition to the right to impound a dog pursuant to this Ordinance.

SECTION 12 Waiver Fee for Municipal Complaint

An issuing Municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

- First Offense: WARNING
- 2nd Offense: \$50
- 3rd Offense: \$100
- Subsequent Offenses: \$250

SECTION 13 Civil Penalty for Ordinance Violation

An issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of this ordinance:

- First Offense: \$50
- 2nd Offense: \$100
- 3rd Offense: \$200
- 4th-Subsequent Offense: \$500

SECTION 14 Other Laws

This ordinance is in addition to all other Ordinances of the Town of Salisbury and all applicable laws of the State of Vermont.

SECTION 15 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.

SECTION 16 Effective Date

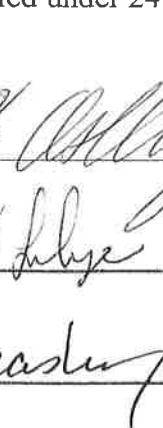
This ordinance shall become effective 60 days after its adoption by the Salisbury Select Board. If a petition is filed under 24 V.S.A. Section 1973, that statute shall govern the taking effect of this ordinance

 1-13-09

Brian Ashley



Jeff Laberge



Jack Beasley



Priscilla Gilman



Martha Sullivan

SIGNATURES

DATE 1-13-09

