

DOG ORDINANCE

An Ordinance for the Control of Dogs Within the Town of Chelsea, VT

Pursuant to the provisions of 20 V.S.A. § 3549 and such other special or general enactments as may be material thereto, the Board of Selectmen of the Town of Chelsea hereby adopt and establish the following ordinance:

SECTION 1. DEFINITIONS

As used in this Ordinance, the following terms shall have the respective meanings here assigned to them:

- a. Dog – Any animal of the canine species.
- b. Pound Keeper – The person so designated by the Board of Selectmen of the Town of Chelsea to serve as authorized dog agent.
- c. Owner – Any person or group of persons, who owns, harbors, or permits any dog to be or remain in or about buildings or premises owned or occupied by them.
- d. Village – That portion of the town which is within 400 yards of the centerline of State Highway #110 as measured by a right angle to the centerline of State Highway #110 commencing at the intersection of said highway with Jenkins Brook_Road (Town Highway #3) and running northerly to the Barre turn (Intersection with Town Highway #2) and also within 400 yards of the centerline of Town Highway #2, as similarly measured, and running northerly to its intersection with Town Highway #40 (Baraw Hill).
- e. Town Property – The sidewalk and grounds of the Town Hall, the North and South Common, the Tennis Court Park, the Heath Property, the School Ballfield, all cemeteries and any other land owned by the Town of Chelsea.
- f. Officer – Shall mean any police officer, game warden, sheriff, constable, the Town Animal Control Officer, the Town pound keeper, or any member of the Selectboard if none of the aforementioned officers are immediately available.
- g. Vicious Animal – Shall mean any dog or wolf hybrid which is kept for the owner's enjoyment which bites, or snaps at any person or tears at the clothes of any person or attempts to bite any person unless such dog or wolf hybrid is actively protecting owners property which has been entered unlawfully.

SECTION 2. DOG MANAGEMENT

- a. No person shall permit a dog, owned or kept by them, to run at large within the Village. A dog, while on any public way or place, shall be kept under restraint. A dog is under restraint within the meaning of this Ordinance if it is controlled by a leash, is within a vehicle or is in the immediate presence and control of its owner or keeper. Nothing in this Ordinance shall be construed to require the restraint of any dog while on private property by permission of the property owner, occupant or their agent.
- b. Dog owners are required to leash, curb and clean up after their dogs on any and all Town Properties as defined in Section 1 (e).
- c. It shall be unlawful for any person owning or possessing a dog or wolf hybrid to permit it to disturb the quiet of any person by habitually crying, barking or howling for a period of more that 30 minutes, day or night. This section may be acted upon notification in writing by one complainant and one witness by any of the Officers listed in Section 1 (f). Complainant shall make a reasonable attempt to contact dog or wolf hybrid owner before contacting the Town.

- d. License Required – It shall be the duty of every owner of any dog or wolf hybrid over six (6) months of age, within the Town to procure a license therefore in accordance with Title 20, Sections 3501-3592 of the Vermont Statutes Annotated, as amended.

SECTION 3. IMPOUNDMENT

- a. The pound keeper upon his or her own initiative or upon receipt of a complaint regarding any dog running at large within the Village shall make an investigation. The pound keeper, upon receipt of a complaint regarding any dog running at large outside the Village, shall make an investigation. If, as a result of any such investigation, the pound keeper shall give the owner written notice of the complaint and order such dog to be put under restraint.
- b. Animal Bite - The Town shall have the right to impound, for a period of ten (10) days, any dog or wolf hybrid, which is suspected of carrying rabies, if the owner of such animal is not immediately known or if an officer determined that such owner cannot adequately provide restraint.
- c. Any dog as to which such notice has been given within the prior six (6) month period found to be running at large, or any dog found running at large whose owner is not know, shall be impounded by the pound keeper.
- d. If any dog is impounded as authorized in the preceding paragraph, the keeper of the pound shall notify the owner forthwith of such impounding, if the owner is known. Such notice shall be in writing and mailed to the owner at his or her last known address by certified mail with return receipt.
- e. Any dog found running at large shall be impounded in a humane manner for a period of ten (10) days after the mailing of written notice of the impoundment as above set forth, unless sooner reclaimed by its owner. At the end of said period of ten (10) days, if the dog has not been reclaimed by its owner, or if its owner is unknown, said dog shall be given away or disposed of in a humane manner.
- f. Cruelty – Any person who shall torture, torment, or cruelly neglect to provide with necessary sustenance or shelter, or shall cruelly beat or needlessly mutilate or kill or cause or procure to be tortured, tormented, or deprived of necessary sustenance or to be cruelly beaten or needlessly mutilated or killed as aforesaid any dog, shall be guilty of violating this ordinance. A fine of \$100.00 and confiscation of such dog will be imposed.
- g. When a dog is impounded the owner of said dog may be prosecuted for violation of the ordinance.
- h. The owner shall be entitled to reclaim any impounded dog upon compliance with the license provision of State law and the payment of all impoundment fees as hereinafter set forth. Any dog impounded under this ordinance may be reclaimed upon payment of all outstanding impoundment fees.
- i. Dog owners must clean up after their dogs on all Town Property.
- j. No dogs impounded by reason of this Ordinance shall be sold, given or in any other manner transferred to any person selling or dealing in dogs, or to any person acting for such dealer in dogs, whether or not such person is licensed to do so.

SECTION 4. IMPOUNDING FEES

- a. Any impounded dog may be reclaimed upon payment, by the owner, of the impoundment fee, the boarding fees and the cost of the notice of impoundment.
- b. Redemption – An owner may reclaim his impounded dog or wolf hybrid upon payment, to the pound keeper, of the following fees:
Impoundment fee of \$15.00 for a registered animal, not wearing dog tag, first offense:
\$50.00 – second offense; \$100.00 third and subsequent offenses, all within a six (6) month

period. An additional fee of \$10.00 per day will be charged in all cases for the maintenance and care of the impounded animal. This boarding fee may be increased for repeat offenders.

SECTION 5. PENALTIES

A person who violates any provision of this Ordinance may be subject to a fine of up to \$100.00 and/or disposal of such dog. Any person with an unlicensed dog or wolf hybrid within the Town after final license date of April 1st, shall be charged a fine of \$25.00 per animal and 1 ½ times the license fee per animal. Any dog or wolf hybrid that bites a person in the Town shall be confiscated and impounded for a period of 14 days. Any pound fees, medical expenses, or veterinary fees shall be paid by owner of the animal. After 14 days, if such animal is safe from rabies or infectious disease, it may be released back to owner upon satisfaction of damages made to all parties involved, plus pound fees and a fine imposed by the Town not to exceed \$200.00. If an animal so impounded is proven to have rabies, it shall be destroyed at the owner's expense. The owner of a dog or wolf hybrid that attacks another dog or pet, shall be fined up to \$100.00 for each incident and must pay any repairs of veterinary bills for injured parties involved. All reports must be filed within 24 hours of any such incident to the Town. Selectboard will meet to review incident to deem whatever action shall be taken. All monies received hereunder shall be paid to the treasurer of the Town of Chelsea as part of its general revenue.

SECTION 6. CIVIL ORDINANCE

This ordinance shall be a civil ordinance and shall be prosecuted in civil court as provided under 24 VSA sections 1974 & 1977 and following. Each violation shall be subject to a fine of up to \$500, and the waiver fee shall be set at \$50.00 for the first offense, \$100.00 for the second offense and \$200.00 for the third offense. Each day the violation continues shall constitute a separate violation of this ordinance.

SECTION 7. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any thereof be judged invalid, the invalidity of any part shall not affect the remainder thereof.

SECTION 8. EFFECTIVE DATE

Pursuant to the provisions of 24 V.S.A. § 1973, the citizens of the Town of Chelsea have the right to petition for a vote on the Ordinance by presenting a petition signed by not less than 5% of the legal voters to the Town Clerk or the Selectboard within 44 days following the date of adoption. If no petition is filed, this Ordinance shall become effective 60 days after the date of its adoption on January 15, 2005.

Douglas Lyford, Chair

Date of Adoption

Andrew Pomerantz
