ORIGINAL

TOWN OF GUILFORD, VERMONT

AN ORDINANCE FOR THE CONTROL OF DOGS

Pursuant to the authority conveyed to Towns as codified in 20 V.S.A. 3549 ET SEQ. AND 24 V.S.A. 2291(10), and 24 V.S.A. Chapter 59, adoption and enforcement of ordinance rules to regulate the keeping of dogs, within the Town of Guilford, for the health, safety and welfare of the citizens of the town; it is hereby ordained by the Selectboard of the Town of Guilford that this following Dog Ordinance be adopted. This is a "civil" ordinance.

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SECTION 1: DEFINITIONS

As used in this ordinance unless the contents otherwise indicates the following terms shall have the respective meanings here assigned to them:

a) Dogs: Any animal of the canine species or wolf-hybrid species, male or female.

b) Owner/Keeper: Any person or group of persons who owns, keeps, harbors, or permits any dog to be or remain in or about their buildings or premises.

c) Vicious Dog: A dog off the dog owner's own premises which causes reasonable fear of bodily injury, attacking or threatening to attack a person, or a dog which has previously bitten a person while either on or off the owners/keepers premises will be considered a vicious dog, unless the dog is properly restrained or within an enclosure on his own premises.

d) Uncontrolled Dog: A dog owned or kept by any person which is running at large within the town. A dog is under control within the meaning of this ordinance if it is beside or within the immediate vicinity of a competent person and obedient to that person's commands, or it is on or within a vehicle.

e) To Run at Large: To move at will without restraint, control or limitations.

SECTION 2: LICENSE REQUIRED

It shall be the duty of every person owning, keeping or harboring in town, any dog over six months of age to procure a license therefor in accordance with 20 V.S.A. 3581-3591, as amended (Prior to April 1st each year) and to keep on such dog a collar or harness to which shall be fastened securely the metal license tag issued by the Town Clerk along with the metal rabies tag issued by a licensed veterinarian.

SECTION 3: EFFECT OF FAILING TO LICENSE

Any person failing to license or fulfill the collar or harness requirements as set forth in Section 2 of this ordinance for a dog over six months of age, kept or harbored on his premises, shall be in violation of this ordinance.

SECTION 4: UNLICENSED DOG

All unlicensed dogs within limits of the town found in violation of this ordinance may be impounded. All unlicensed, stray or abandoned dogs of any age may be turned over to the Dog Officer immediately to locate the owner/keeper and to prevent potential problems.

SECTION 5: DAMAGE BY DOGS

Property damage shall be investigated and processed as provided by 20 V.S.A. 3741-3749, as amended.

SECTION 6: RUNNING AT LARGE

The owner/keeper of a dog shall not allow his/her dog(s) in the road or to trespass on other people's property, such as lawns, gardens, school yards or playgrounds or any other land used or occupied by any other persons in such a manner as to cause damage, disturbances or annoyance.

SECTION 7: DOGS IN HEAT

The owner of any dog in heat shall keep such dog confined within the bounds of such owner's property and shall not permit such dog to be at large within the town.

SECTION 8: BARKING OR HOWLING DOGS

No person shall keep or harbor any dog which, by habitual barking or howling disturbs the peace and quiet of persons of ordinary sensibility. Any person who does keep or harbor such a dog after receiving three warnings from the Dog Officer or Selectmen shall be in violation of this ordinance.

SECTION 9: VICIOUS DOGS

A vicious dog within the meaning of Section 1(c), as determined by the Dog Officer and the Selectboard hereof is hereby declared to be a public nuisance. The owner/keeper of such dog shall keep it confined in a secure enclosure or on a chain or leash.

SECTION 10: DOGS BITING PERSONS OR OTHER ANIMALS

a) Enforcement of this section shall be in compliance with Vermont State Statutes, Title 20, Section 3546.

b) It shall be unlawful for a dog to bite a person without provocation. An attack without provocation is defined as a random, unwarranted attack on public property or an unwarranted attack on the owner's premises when the owner is unable to control his/her animal.

c) Section 10b does not pertain to a dog which bites in response to teasing or tormenting or when a person is trespassing.

d) It shall be unlawful for the owner or person harboring any dog, when notified that such dog has bitten any person, to sell or give away such dog, or permit it to be taken beyond the limits of the town, except under the care of a licensed veterinarian.

e) It shall be the duty of such owner or keeper, upon receiving notice that such dog who has bitten any person, to notify the Dog Officer or Health Officer and immediately place such dog in a veterinary hospital, where it shall be confined for at least ten (10) days, or to deliver it to the Dog Officer, who, with the approval of the owner, shall confine it to the Town Animal Shelter (Dog Pound) for observation for ten (10) days. If the dog becomes visibly ill, a veterinarian shall be notified for instructions. In the event that such dog is delivered to the Veterinary Hospital notice of the same and location of such hospital shall be furnished to the Dog Officer or Health Officer by the owner or keeper of such dog within twenty-four (24) hours.

f) If this is a third offense of a dog having bitten without provocation, the Board will hold a hearing to consider destroying the dog.

g) If a dog is bitten by another dog being rabid or suspected of having rabies, both dogs shall be immediately confined for observation as provided in Section 10(c). The owner/keeper of the biting dog thereof shall pay all costs of confinement and care of both dogs.

SECTION 11: IMPOUNDMENT

a) When any dog is impounded under any section of this ordinance, the owner/keeper, if known, shall be notified within 24 hours. If owner/keeper is not known, reasonable effort shall be made to locate the owner/keeper.

b) Any dog found in violation of Sections 2, 4, 6, 7, 8, or 10 of this ordinance may be impounded by the Dog Officer or by the direction of the Selectboard in the Town Pound and there confined in a humane manner for a period of five (5) days unless sooner reclaimed by it's owner, and may thereafter be given away, sold, or disposed of by a licensed veterinarian in a humane manner.

c) When a dog is found in violation of Section 2, 6, 7, 8 or 10 of this ordinance, either in lieu of impoundment or in addition thereto, the owner/keeper of such dog may be prosecuted for such violation.

d) The owner/keeper shall be entitled to reclaim any impounded unlicensed dog upon compliance with the license provision of Section 2 hereof, and the payment of all impoundment fees as hereinafter set forth. Any other dog impounded under this ordinance may be reclaimed upon payment of all outstanding impoundment fees.

SECTION 12: IMPOUNDMENT FEES

a) Any dog impounded under the provisions of this ordinance shall be released only upon payment of an impoundment fee of $10.00 per day for the first offense; $15.00 per day for the second offense; and $20.00 per day for the third or any subsequent offenses, and any reasonable expenses of keeping said dog during the period of impoundment.

SECTION 13: RABIES

a) A current rabies tag shall be on the collar or harness of each licensed dog.

b) Upon diagnosis of rabies in any animal within the town, the Selectboard may proclaim a town wide quarantine for a period of thirty (30) days. No dog shall be permitted by it's owner/keeper to be in the streets during such a quarantine.

c) In the event there are additional cases of rabies appearing during the quarantine, such quarantine may be extended by the Selectboard for an additional six (6) months.

d) The carcass of any dead dog which has been exposed to rabies shall, upon demand, be surrendered to the Health Officer, who shall direct the disposition of any animal found to be rabid. No person shall fail to surrender any dog for quarantine or destruction when demand is made thereof by the Constable or Dog Officer.

SECTION 14: CRUELTY

a) Any person who shall torture, torment, or cruelly neglect to provide with necessary sustenance or shelter, or procure to be tortured, tormented or deprived of necessary sustenance or shelter or to be cruelly beaten or needlessly mutilated or killed, as aforesaid any dog, shall be in violation of this ordinance.

b) Any person who carries or causes to be carried on a vehicle or otherwise in an unsafe or cruel manner, or knowingly or willfully authorizes or permits the same to be subject to unnecessary torture, suffering or cruelty as aforesaid any dog, shall be in violation of this ordinance.

SECTION 15: PENALTIES

A person who violates any provision of this Ordinance shall be fined not more than Two Hundred Fifty Dollars ($250.00) together with the costs of prosecution, and in the event of a continuing violation, each day shall constitute a separate offense. All monies received hereunder, except the statutory costs of court, shall be paid into the Town's Treasury and belong to the Town. A fine of One Hundred Dollars ($100.00) shall be assessed after May 31st of each year for violation of Section 3 of this ordinance.

The fines for violations of the Dog Ordinance or of the State Statutes where applicable, shall be as follows:

A. Section 2, 3 and 4. Fines shall be: if licensed April 1st-May 31st then the cost of licensing will be increased by fifty percent (50%). If licensed after May 31st then the set rate will be $20.00 neutered, $26.00 not neutered (amount includes cost of license).
B. Section 5, 7, 8 ad 14. Fines shall be: First Offense, $50.00; Second Offense in same or the subsequent year, $100.00.
C. Section 6 Fines shall be; First Offense, a warning or ticket depending on circumstances; Second Offence $50.00; Third Offense in same or the subsequent year, $100.00.
D. Section 9. Fines shall be: First Offense, $100.00; Second Offense in same or the subsequent year, $250.00.
E. Section 10. Fines shall be: First Offense, $ 100.00; Second Offense, $200.00 and Third Offense, a hearing will be held to consider destroying the dog.
F. Waiver Fees. If the person issued a ticket for any of the above violations does not contest the charge, and pays the fine, waiver fees shall be 75% of the fine that was assessed.
G. When the fine is not paid in a timely manner, the matter may be prosecuted in any Vermont court having jurisdiction.

SECTION 16: REPEAL

All prior ordinances in conflict herewith are hereby repealed to the extent of such conflict except that this repeal shall not affect or prevent the prosecution of any person for an act done or committed prior to the effective date of this ordinance.

SECTION 17: SEPARABILITY

The provisions of this ordinance are hereby declared to be separable and if any thereof be adjudged invalid, the invalidity of any part shall not affect the remainder thereof.

SECTION 18: PUBLICATION, RECORDING AND EFFECTIVE DATE

This ordinance, or a summary thereof, shall be published in the Brattleboro Reformer no later than fourteen (14) days after adoption by the Selectboard of the Town of Guilford, shall be filed and recorded in the Office of the Town Clerk of Guilford within seven (7) days after such adoption, and shall become of force and effect sixty (60) days after passage by the Selectboard, pursuant to 24 V.S.A. 1972 & 1976.

SECTION 19: AMENDMENTS

This ordinance may be amended by the Selectboard of Guilford as provided by law.

SECTION 20: SECTION TITLES

The titles of each of the sections of this ordinance are included for reference purposes only and are not intended to have the effect of law.

This ordinance is hereby adopted by the Selectboard of the Town of Guilford on this 10th day of August, 2009, and shall, unless a petition is filed as provided by law, become effective on the 9th day of October, 2009.

Richard Clark, Chair

Troy Revis, Jr.

Anne Rider