

TOWN OF WILLISTON, VERMONT

DOG CONTROL ORDINANCE

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Williston Selectboard

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| Abstract:

It is the purpose of this ordinance to regulate the keeping of dogs, and to provide for their leashing, muzzling or restraint in order to promote the public health, safety, welfare throughout the Town of Williston.

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TOWN OF WILLISTON, VERMONT

DOG CONTROL ORDINANCE

The Selectboard of the Town of Williston hereby ordains:

Article I. AUTHORITY

This ordinance is enacted pursuant to 24 VSA, Section 2291 (10) and 20 VSA, Section 3549. It shall constitute a civil ordinance within the meaning of 24 VSA, Chapter 59.

Article II. PURPOSE

It is the purpose of this ordinance to regulate the keeping of dogs, and to provide for their leashing, muzzling or restraint in order to promote the public health, safety, welfare throughout the Town of Williston.

Article III. DEFINITIONS

Unless the context otherwise indicates, as used in this ordinance:

- (a) "Person" shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- (b) "Dog" shall mean an animal of the canine species.
- (c) "Vicious Dog" shall mean a dog which causes reasonable fear of bodily injury by attacking or threatening to attack a person or other domestic animal.
- (d) "Owner" shall mean any person or persons, firms, or association or corporation owning, keeping, or harboring a dog.
- (e) "At large" shall mean off the premises of the owner and not under the control of the owner, a member of the owner's immediate family, or an agent of the owner by leash, cord, chain or otherwise within the control of such person so that at all times the dog may be prevented for causing any damage, disturbance, nuisance or annoyance. Any dog accompanied by its owner or keeper which is neither threatening to persons, livestock, domestic or wild animals nor causing damage,

disturbance, nuisance or annoyance and is in obvious control of or is obedient to the commands of its owner or keeper shall not be considered to be at large.

Article IV. COLLAR REQUIRED

It shall be the duty of every person owning, keeping, or harboring in the Town of Williston any dog, to keep on such dog a collar or harness and to fasten securely to the collar or harness, and keep attached to it, a town issued, current year license tag whenever such dog shall be off the premises of the licensed owner. It shall be unlawful for any person other than the owner, his or her agent, Animal Control Officer or member of the Police Department to remove the license tag from a dog.

Article V. RUNNING AT LARGE

No person shall permit or cause any dog to go at large within the Town of Williston. In accordance with the Town of Williston Ordinance Regulating Sidewalks, Recreation and Bicycle Paths, Section 2(e), all dogs using a town sidewalk, recreation or bicycle path, must be leashed on a maximum six (6) foot leash.

Article VI. RUNNING AT LARGE - EXEMPTIONS

A person engaged in hunting or in the training of a dog, who is in the general vicinity of the dog, shall be exempt from Article V unless the dog causes property damage or creates a nuisance.

Article VII. DISTURBANCE BY NOISE

No person shall keep or harbor any dog which by frequent or long continued noise disturbs the comfort or repose of persons in the vicinity.

Article VIII. DOG WASTE

- (a) A dog owner must have in his/her possession whenever his/her dog is off owner's premises, some form of bag or waste scooping device to be used for scooping up solid waste excrement deposited by such dog. Any dog owner walking his/her dog off premises without some form of bag or waste scooping device is in violation of this ordinance.
- (b) The owner of every dog shall be responsible for the removal and proper disposal of any solid waste excrement deposited by his or her animal(s) on public walks, recreation areas, or public or private property (not owned or possessed by that person). If any excrement is not promptly removed or properly disposed of, then the owner of said dog shall be deemed in violation of this ordinance.
- (c) Proper disposal consists of placing the excrement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector, or disposal into a system designed to convey domestic sewage for proper treatment and disposal, or buried more than six inches below the surface of the ground.

Article IX. IMPOUNDING

Any dog running at large may be impounded by the Constable of the Town of Williston or any police officer, deputy sheriff or any person designated by the Town for the control of dogs. Not later than two business days after the impounding of any dog, the owner shall be notified, or if the owner is unknown, written notice shall be published in a newspaper of general circulation, describing the dog, the place, and the time of taking. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all impoundment fees and other charges required under this ordinance.

Article X. RELEASE FROM IMPOUNDMENT

Any dog so impounded shall be transported to a boarding kennel where it shall be kept until released by authority of the impounding officer or officer's agent. The owner of any dog so impounded may effect a release of the dog after providing proof that such dog is licensed and payment of the impoundment fee and reasonable kennel fees, which shall not exceed those normally charged other persons for boarding of dogs at the impounding kennel. In the event such dog does not have current vaccinations against rabies, in addition to boarding charges and impoundment fees, the owner shall deposit the sum of \$20.00 with the town clerk which shall be refunded upon licensing of the dog. An impounding fee of \$35.00 shall be paid to the town of Williston for the first impoundment, an impounding fee of \$50.00 for the second impoundment and an impounding fee of \$75.00 for each subsequent impoundment in any calendar year. All fees and deposits shall be paid at the office of the Town Clerk prior to the release of the dog. The Town Clerk will issue a

receipt for the impounding fee which must be shown to the kennel prior to the release of the dog.

Article XI. DISPOSITION OF UNCLAIMED DOGS

Unless sooner redeemed by payment, it shall be the duty of the official designated by the Selectboard to keep all dogs so impounded for a period of 7 days. If at the expiration of 7 days from the initial date of impoundment, such dog shall not have been redeemed, it may be sold, given away or destroyed. Any proceeds from the sale of the impounded dog, over and above impoundment fees, license fees and other charges required under this ordinance, shall be paid over to the owner, if any is found.

Article XII. NON-REDEMPTION OF DOGS

Any owner, if known, who elects not to redeem his/her dog and does not pay the impounding fees within 30 days of the initial impoundment, may be assessed all of said fees and charges in a civil action brought under this ordinance.

Article XIII. ORDINANCE LIMITATION

This ordinance is in addition to any powers granted by the Vermont Statutes Annotated for the control of dogs. Specifically, any vicious dogs shall be handled in the manner set forth under Section 3546 of Title 20 of the Vermont Statutes Annotated.

Article XIV. INTERFERENCE WITH IMPOUNDMENT

No person shall interfere with the impounding of a dog under the provisions of this ordinance or release or attempts to release an impounded dog contrary to this ordinance.

Article XV. CONTRACTED SERVICES

The Selectboard may enter into a contract or contracts with persons or firms for impoundment services.

Article XVI. IMPOUNDING DOGS THAT HAVE BITTEN PERSONS

Any dog that is suspected of biting a person may be apprehended and impounded by a law enforcement officer in accordance with the rules and requirements outlined under state law concerning the confinement or impoundment of a domestic pet or wolf-hybrid. The owner of any dog impounded for observation is responsible for payment of all charges and impoundment fees imposed under Article X of this ordinance.

Article XVII. ENFORCEMENT BEFORE THE VERMONT JUDICIAL BUREAU

Any person who violates any provision of this ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. Any law enforcement officer, animal control officer or constable may act as an Issuing Municipal Official and issue and pursue before the Vermont Judicial Bureau a municipal complaint for any dog found to have violated any provisions of this ordinance.

Article XVIII. 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	\$ 35
Second offense	\$ 50
Third offense	\$ 75
Fourth offense	\$125
Fifth and subsequent offense	\$250

Offenses shall be counted on a calendar year basis.

Article XIX. 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
Second offense	\$ 75
Third offense	\$200
Fourth offense	\$250
Fifth and subsequent offense	\$500

Each day a violation continues shall constitute a separate violation. Violations shall be counted on a calendar year basis.

In addition to the enforcement procedures available before the Vermont Judicial Bureau, the Town Manager or designee is authorized to commence a civil action to obtain injunction and other appropriate relief, or to pursue any other remedy authorized by law.

Article XX. SEVERABILITY

If any portion of this ordinance and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such statute as amended.