

## TOWN OF VERNON, VERMONT

An Ordinance for the Control of Domestic Pets (including Wolf-Hybrids) and Domestic Animals;

Pursuant to 20 V.S.A. Chapters 191 and 193, and 24 V.S.A. Sections 2291 (10) and 1972 (a), the Selectmen of the Town of Vernon, Vermont hereby adopt the following ordinance to regulate the control of domestic pets (including wolf-hybrids) and domestic animals, within the Town of Vernon. This ordinance is designed as a Civil Ordinance pursuant to 24 V.S.A. Section 1971 (b).

<u>Table of Contents</u>	<u>Page</u>
Section 1: Definitions	2
Section 2: License Required	3
Section 3: Effect of Failing to License	3
Section 4: Unlicensed Dogs	3
Section 5: Damage by Dogs	4
Section 6: Running at Large	4
Section 7: Impoundment	4
Section 8: Impoundment Fee	4
Section 9: Barking or Howling Dogs/Noise Violations	4
Section 10: Vicious Domestic Pet	5
Section 11: Domestic Pets, Which Have Bitten Persons or Other Animals	5
Section 12: Rabies	6
Section 13: Injured Domestic Pets	6
Section 14: Cruelty	6
Section 15: Penalties	6
Section 16: Civil Ordinance	7
Section 17: Repeal	7
Section 18: Separability	7
Section 19: Actions to Prevent, Restrain, or Abate Violation	7
Section 20: Publication, Recording , and Effective Date	7
Section 21: Amendments	8
Section 22: Section Titles	8

## **SECTION 1: DEFINITIONS**

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

- a. "Animal Control Officer" shall mean any Police Officer of the Town of Vernon or any person(s) duly appointed by the Board of Selectmen for enforcement of this Ordinance.
- b. "At Large" shall mean to move at will without restraint, control, or limitation to property lines or owner by leash and/or vocal control. Included are all properties public and private other than that of the owner. A dog or dogs engaged in the act of hunting under the control and direction of an owner or keeper is not considered to be at large.
- c. "Dog" shall mean any animal of canine species, including canine hybrids and wolf-hybrids as defined in 20 V.S.A. Section 3541.
- d. "Owner" or "Keeper" shall mean any person who owns a domestic pet and includes any person who has actual or constructive possession of said domestic pet. This term shall also include those persons who provide food or shelter to a domestic pet.
- e. "Domestic Pet" or "Pet" means any domestic dog, including wolf-hybrids, and domestic cats.
- f. "Physical or Vocal Control" shall mean when the domestic pet is not on the owner's or keeper's property that such animal(s) is on a leash or harness, is on or in a vehicle or travel cage, is under the supervised verbal command of the owner or keeper, or is engaged in hunting with the owner or keeper.
- g. "Pound" shall mean the place designated by the Selectmen of the Town of Vernon to keep domestic pets found by an enforcement officer or citizen to be in violation of any provision of this Ordinance or any state statute.
- h. "To Run at Large" means to run at will without restraint, control or limitation as to property lines or areas.
- i. "Under Restraint" shall mean"
  1. On a leash not longer than 8 feet, or;
  2. Within a vehicle or travel cage, or;
  3. On the property of its owner or keeper, or;
  4. Hunting with its owner or keeper.

- j. "Vaccination against Rabies" shall mean a vaccine approved by the Vermont Commission of the Department of Agriculture, Food and Markets, and administered by a licensed veterinarian. Until the Commissioner approves a rabies vaccine for use on wolf-hybrids, these animals shall be vaccinated with a vaccine approved by the Commissioner for dogs.
- k. "Vicious Domestic Pet or Domestic Animal" shall mean a domestic pet or domestic animal, which caused reasonable fear of bodily injury by attacking or threatening to attack any person, domestic pet or domestic animal, except in such case as a person, or animal may be in the act of unlawfully trespassing upon the property of the owner or keeper of the subject domestic pet or domestic animal.
- l. "Domestic Animal" shall mean those animals defined by 6 V.S.A. 1151(2) as follows: rabbits, cattle, sheep, goats, equines, fallow deer, red deer, reindeer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas and emus), reptiles and amphibians. The term does not include those species of amphibians native to Vermont. The term shall include cultured trout propagated by commercial trout farms.

## **SECTION 2: LICENSE REQUIRED**

It shall be the duty of every person owning, keeping or harboring in the town, any dog over six months of age to procure a license therefore annually, by April 1 of each year, in accordance with 20 V.S.A. Sections 3581-3591, as amended, 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 rabies tag signed 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 by April 1 of each year, for a dog over six months of age, kept or harbored on his premises, shall be in violation of this ordinance. Such person or persons shall be subject to the penalties set forth in Section 15 of the Ordinance, in addition to the licensing late fees as provided in 20 V.S.A. Section 3581(a).

## **SECTION 4: UNLICENSED DOGS**

All unlicensed dogs within limits of the town found in violation of this Ordinance shall be impounded.

## **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**

No domestic pet or domestic animal shall be permitted to run at large.

**SECTION 7: IMPOUNDMENT**

- a. Any domestic pet or domestic animal found to be in violation of Sections 4,6,9, or 10 of this ordinance shall be impounded by the Animal Control Officer, Constable, and/or Police Department in the Town Animal Shelter, as designated by the Board of Selectmen, and there confined in a humane manner for a period of ten (10) days unless sooner reclaimed by its owner, and may thereafter be delivered to the Windham County Humane Society for placement, or for disposal, if necessary.
- b. The Owner shall be entitled to reclaim any impounded unlicensed dog upon compliance with the license provisions of Section 2 hereof, and the payment of all impoundment fees as hereinafter set forth. Any other domestic pet impounded under this ordinance may be reclaimed upon payment of all outstanding impoundment fees.
- c. Any impounded domestic pet which is not reclaimed by its owner within ten (10) days may be given to the Windham County Humane Society as provided in subsection a. above, provided, nevertheless, that the owner shall not be deprived of any remedies otherwise provided by law.

**SECTION 8: IMPOUNDMENT FEES**

Any domestic pet 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 violation; \$15.00 per day for the second violation; and \$20.00 per day for the third or any subsequent violation.

**SECTION 9: BARKING DOGS/NOISE VIOLATIONS**

No person shall keep or harbor any domestic pet or domestic animal, which, by loud, frequent or habitual barking or vocalization disturbs the peace of a reasonable person. For purposes of this section, a person shall be deemed to be in violation of this section if the domestic pet or domestic animal (i) barks, whines, cries or makes other similar such vocalizations for a period of five (5) minutes or more, with less than one (1) minute intervals between noises or (ii) barks, whines, cries or makes other similar vocalizations between the hours of 10:00 P.M. and 7:00 A.M., regardless of frequency, and (iii) any such noises are audible off of the premises upon which the domestic pet or domestic animal is kept. Any person who does keep or harbor such a domestic pet or domestic animal shall be in violation of this Ordinance and subject to penalty as set forth in Section 16 of this Ordinance.

## **SECTION 10: VICIOUS DOMESTIC PET OR DOMESTIC ANIMAL**

A vicious domestic pet or domestic animal within the meaning of Section 1 (1.) as determined by the Animal Control Officer, is hereof declared to be a public nuisance. The owner or keeper of such domestic pet or domestic animal shall keep it confined in a secure enclosure on a chain or a leash at all times.

## **SECTION 11: DOMESTIC PETS, WHICH HAVE BITTEN PERSONS OR OTHER ANIMALS**

- a. It shall be unlawful for the owner or person harboring any domestic pet, when notified that such pet has bitten any person, to sell or give away such pet, or to permit it to be taken beyond the limits of the town, except under the care of a licensed veterinarian.
- b. It shall be the duty of such owner or keeper, upon receiving notice that a pet has bitten any person, to notify the Health Officer and immediately either 1(a) have the dog checked by a licensed veterinarian and confined at home for at least ten (10) days, with the permission of either the Animal Control Officer, Health Officer or a licensed veterinarian or 1(b) place such pet in the veterinary hospital, where it shall be confined for at least ten (10) days, or 1(c) deliver it to an Animal Control Officer who shall confine it to the Town Animal Shelter for observation for ten (10) days. If the pet becomes visibly ill a veterinarian shall be notified for instructions. In the event that such pet is delivered to the veterinary hospital, notice of the name and location of such hospital shall be furnished to the Animal Control Officer and Health Officer by the owner or keeper of such pet within twenty-four (24) hours.
- c. The Animal Control Officer or Health Officer shall be notified immediately by the veterinarian of the death of any such pet while under observation in any veterinary hospital. If, at the expiration of ten (10) days confinement, the said veterinary hospital shall certify in writing to the Animal Control Officer and Health Officer that the pet is not rabid, said pet may be released to its owner upon payment of all costs of confinement and care of such pet. If the dog was confined at home as provided in 12(b) above, at the expiration of the ten days confinement, the owner shall provide a veterinarian's written certificate to the Animal Control Officer or Health Officer that the dog is not rabid. The dog may then be released from confinement.
- d. If such pet should die while under observation, its brain shall be forthwith delivered to the State Department of Health for examination.
- e. If a pet is bitten by another pet being rapid or suspected of having rabies, both pets shall be immediately confined for observation as provided in Section 12(b.). The owner or keeper of the biting pet thereof shall pay all costs of confinement and care of both pets.

**SECTION 12: RABIES**

- a. Rabies tags shall be on the collar or harness of each licensed dog.
- b. Upon diagnosis of rabies in any animal within the town, Selectmen may proclaim a town wide quarantine for a period of thirty (30) days. No domestic pet shall be permitted by its owner or keeper to be in the streets during the quarantine.
- c. In the event there are additional cases of rabies appearing during the quarantine, such quarantine may be extended by the Board of Selectmen for an additional six months.
- d. The carcass of any dead pet, 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 pet for quarantine or destruction when demand is made thereof by the Constable or Chief of Police.

**SECTION 13: INJURED DOMESTIC PETS OR DOMESTIC ANIMALS**

If a licensed dog is found injured and its owner or keeper cannot be contacted, the Animal Control Officer shall take the injured dog to a veterinarian for emergency care. The owner or keeper may reclaim the dog upon payment of all veterinary and kennel fees:

In the event a domestic pet or domestic animal other than a licensed dog is found injured and the owner or keeper cannot be contacted, no emergency treatment will be provided and the pet will be put down if the Animal Control Officer deems necessary.

**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 domestic pet or domestic animal, shall be in violation of this Ordinance.
- b. Any person who carried or caused to be carried on a vehicle or otherwise in an unsafe or cruel manner, or knowingly or willfully authorizes or permit the same to be subject to unnecessary torture, suffering or cruelty as aforesaid any domestic pet or domestic animal, shall be in violation of this Ordinance.

**SECTION 15: PENALTIES**

A person who violates any provision of this Ordinance shall be fined as follows:

- First Offense: \$150.00
- Second Offense: \$200.00
- Third and all subsequent offences: \$250.00

A waiver fee of \$100.00 for a first offense, \$150.00 for a second offense and \$200.00 for a third a subsequent offenses may be paid by the person charged with such violation upon entry of a plea of admit or no contest. 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. Offenses shall be counted on a calendar year basis.

#### **SECTION 16: CIVIL ORDINANCE**

This Ordinance is designated as a Civil Ordinance pursuant to 24 V.S.A. Section 1971 (b). The issuing Municipal Officer under this Ordinance shall be the Animal Control Officer, as defined in this Ordinance to include any sworn Police Officer of the Town of Vernon or any person or persons duly appointed by the Board of Selectmen.

#### **SECTION 17: 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 18: SEPARABILITY**

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

#### **SECTION 19: ACTIONS TO PREVENT, RESTRAIN OR ABATE VIOLATION**

Notwithstanding any of the forgoing provisions, the Town of Vernon may institute any appropriate action authorized by law, including injunction or other proceedings, to prevent, restrain, or abate any violation thereof, any in the case of emergency situations when, in the Town's determination, violations of the provision of the Ordinance may cause damage to human life or public property, the Town shall have the power to take whatever action is necessary to correct such violations, as permitted by law.

#### **SELECTION 20: PUBLICATION, RECORDING AND EFFECTIVE DATE**

This Ordinance shall be published in the Brattleboro Reformer no later than fourteen (14) days after adoption by the Board of Selectmen of the Town of Vernon, shall be filed and recorded in the office of the Town Clerk of Vernon within seven (7) days after such adoption, shall become effective sixty (60) days after date of adoption by the Board of Selectmen.

**SECTION 21: AMENDMENTS**

This ordinance may be amended by the Board of Selectmen of the Town of Vernon as provided by law.

**SECTION 22: SECTION TITLES**

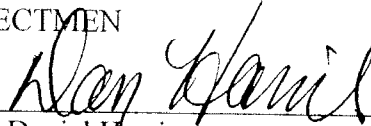
The titles of each of the sections of this Ordinance are included for reference purposes only and not intended to have the effect of law.

Approved March 20 A.D. 2006

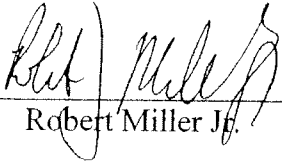
VERNON BOARD OF SELECTMEN



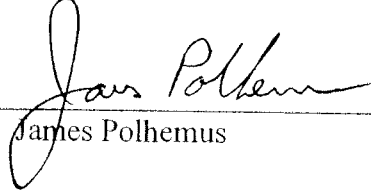
Peter Deyo - Chairman



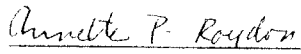
Daniel Harris



Robert Miller Jr.



James Polhemus



Annette Roydon

## VERNON DOG PICK-UP FORM

(to be used when animals are left at the Veterinarian's)

Name of Dog (if known) \_\_\_\_\_

Sex \_\_\_\_\_ License Number \_\_\_\_\_ Town \_\_\_\_\_

Date Picked Up \_\_\_\_\_ How Long Held \_\_\_\_\_

Owner's Name (if known) \_\_\_\_\_

Owner Notified Yes  No  Advertised? Yes  No

Advertised for How Long \_\_\_\_\_ Where \_\_\_\_\_

### IF QUARANTINED

When Bite Wound Occurred \_\_\_\_\_

Was Health Officer Notified Yes  No

Period to Hold Dog Until \_\_\_\_\_

Will Owner reclaim Dog Yes  No

### MISCELLANEOUS INFORMATION

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SIGNATURE OF PERSON LEAVING DOG AT VETERINARIAN'S

\_\_\_\_\_

Print Name \_\_\_\_\_

Telephone Number \_\_\_\_\_