

ORDINANCE FOR THE CONTROL OF DOGS

At a meeting held in accordance with 24 V.S.A. § 1972(a) and pursuant to 24 V.S.A. § 2291(10), the Selectman of the Town of New Haven adopted the following ordinance relating to the regulation and keeping of dogs and the providing for their leashing or restraint within the "Town of New Haven" as defined below:

1. DEFINITIONS:

- A. A dog "running at large" shall mean a dog which is not (a) on a leash, or (b) on or within a vehicle, or (c) on the property of its owner or his agent, or (d) clearly under the verbal command of its owner or the owner's agent, or (e) hunting with its owner or the owner's agent.
- B. The pound shall be the Bristol Dog Pound, the Addison County Humane Society, and/or any place specifically designated from time to time by the Select Board for the restraint of dogs in violation of this Ordinance.
- C. The Dog Warden or Animal Control Officer shall be that person or persons designated from time to time by the Select Board for the enforcement of this Ordinance.
- D. "Vicious dog" means a dog that is known to have bitten a person within the Town of New Haven, or who has attacked a person, domestic animal or livestock, except while on the property of its owner. Dogs that have attacked people in another town may also be considered to be vicious.
- E. Leash and curb means clean up after your dog.

2. PROHIBITIONS:

- A. A person shall not allow a dog to run at large within the limits of the Town of New Haven.
- B. A person shall not permit a dog to bark excessively or otherwise to become a public nuisance, or to create a disturbance.
- C. A person shall not permit a vicious dog to be unrestrained within the Town of New Haven, except on its owner's property. The Dog Warden, Town Constable or other law enforcement officer may order that a vicious dog be restrained, muzzled or chained up at all times. Further, after hearing pursuant to 20 V.S.A. § 3546, the Select Board may order that a vicious dog be humanely destroyed.
- D. A person shall adhere to signs to leash and curb dog where posted. If a person is found to be in violation of signs they will be fined a \$25.00 fee for each violation.

3. ENFORCEMENT:

- A. The Dog Warden, Animal Control Officer, Town Constable or any law enforcement officer may use all reasonable methods for catching and impounding a dog in violation of this Ordinance, including the use of tranquilizing and marking apparatus.
- B. The Dog Warden, Animal Control Officer, Town Constable and any law enforcement officer may impound a dog found in violation of this Ordinance at the pound, and upon complaint, shall impound any dog found in violation of this Ordinance.
- C. The Dog Warden, Animal Control Officer, Town Constable or any law enforcement officer has been authorized by the Select Board to use deadly force in a situation where a person is in danger of being attacked or in a situation where there is no other way to control an "out of control" animal. Tranquilization shall be used first if at all possible.

4. RELEASE OF DOG FROM POUND

- A. The procedure for claiming or releasing a dog from the pound shall be as follows:
- B. Upon delivery to the pound, the impounding officer shall notify the dog's owner if the dog is licensed. The dog shall be held for three days after the owner is notified, unless the dog is claimed earlier.
- C. If the dog is not licensed, the dog shall be held for three days, or until claimed by its owner, whichever is earlier. The impounding officer does not have a duty to notify the owner of an unlicensed dog, even if the officer knows to whom the dog belongs.
- D. If the owner does not claim the dog within the three-day period, the dog shall be given to whomever pays the impoundment fees, rabies shots, and licensing fees.
- E. If no person claims the dog, the dog may be humanely destroyed, and the Town shall pay all necessary fees.
- F. No dog shall be released from the pound until it is properly licensed and all pound and other charges paid.

5. IMPOUNDMENT FEES AND CHARGES:

- A. A person claiming a dog from the pound shall pay to the pound keeper a reasonable fee for the dog's board, all fees, for licensing, and all other necessary charges and expenses incurred by the pound keeper. In addition, such person shall pay to the pound keeper for the benefit of the Town the actual expense incurred by the Town in the enforcement of this Ordinance.
- B. The owner of any dog or wolf hybrid that is not properly licensed by April 15th of each year may be cited by the Animal Control Officer, Dog Warden, Constable or other law enforcement officer for keeping an unlicensed animal. The fine shall start at \$75.00 and double for each month that the animal remains unlicensed. After the third offence the animal may be taken and / or destroyed.

6. PENALTIES

- A. Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. The Dog Warden, Animal Control Officer, Town Constable and any law enforcement officer shall be authorized to act as Issuing Municipal Officials to issue a municipal complaint and pursue said complaint before the Traffic and Municipal Ordinance Bureau.

7. WAIVER FEE

- A. An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee:
 - B. First Offense \$50
 - C. Second Offense \$100
 - D. Third Offense \$150
 - E. Fourth Offense \$200
 - F. Fifth Offense and subsequent offenses \$250
 - G. Offenses shall be counted on a calendar basis.

8. CIVIL PENALTIES

- A. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:
 - B. First Offense \$100
 - C. Second Offense \$200
 - D. Third Offense \$300
 - E. Fourth Offense \$400
 - F. Fifth Offense and subsequent offenses \$600

9. OTHER RELIEF

- A. In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town is authorized to commence a civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.

Adopted at New Haven, Vermont this 5th day of August, 2008

Keith Hall, Chair

Roger Boise

Pam Marsh

Pat Paquette

Lowell Nottingham