

TOWN OF GRAFTON
DOMESTIC ANIMAL NUISANCE CONTROL ORDINANCE
Amending the Ordinance adopted by the Selectboard on October 23, 2006
Amended: 08/20/2018, Effective date: 10/19/2018

§1. AUTHORITY

Pursuant to 20 V.S.A. Chapters 191 and 193, Section 3549; and 24 V.S.A. Sections 2291(10) and 1972(a), the Selectboard of the Town of Grafton, Vermont hereby adopt the following ordinance to regulate the control of domestic pets and wolf-hybrids within the Town of Grafton.

This ordinance is designated as a civil ordinance pursuant to 24 V.S.A. Section 1971(b).

§2. NUISANCE ANIMALS

No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals which:

- (1) Molests or harasses passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Damages property other than that of its owner;
- (4) Defecates on private properties (other than the owners) within the village (See attached map) or on all town properties, and the owner or other individual in control of the animal, fails to remove such deposit immediately;
- (5) Barks, whines, howls or cries in an excessive and continuous fashion so as to disturb the peace and quiet of any other person.

§3. DEFINITIONS

The following definitions shall apply to this article:

- (a) *At-large*. At-large shall mean not under the control of the owner, or another competent and responsible individual either by vocal command, leash, cord, chain or other similar means of physical restraint.
- (b) *Dog*. Dog shall include both male and female of the canine species. Dog shall also mean any animal which is considered to be wolf-hybrid as defined in 20 V.S.A. Section 3541(6).
- (c) *Enforcement official*. Enforcement official when used herein shall mean any dog warden, constable, or other individual specifically designated by the Selectboard to enforce the provisions of this ordinance or any Vermont certified law enforcement officer (County Sheriff or State Police).
- (d) *Excessive and continuous*. A duration of time exceeding 20 minutes.
- (e) *Owner*. Owner shall include any person or persons, firm, association or corporation owning, keeping, harboring or having control of a dog.
- (e) *Vicious Dog*. Vicious dog shall mean a dog which attacks or bites a person or another domestic pet and the person or pet attacked or bitten requires medical attention.
- (f) *Service Animals*. Service animal means any dog or other common domestic animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals who are blind or have low vision, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing minimal protection or rescue work, pulling a wheelchair, fetching items, assisting an individual

during a seizure, retrieving medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, assisting individuals, including those with cognitive disabilities, with navigation and law enforcement K9 animals. Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being are not service animals.

Town Pound. The facilities of the Windham County Humane Society.

§4. AT-LARGE PROHIBITED

No person shall permit a dog owned by him/her or under his/her control to be at-large as defined in §3 of this ordinance or to trespass upon the property of another, public or private, except if the dog is on the premises of the dog's owner.

§5. REMOVAL OF DOG WASTE REQUIRED

The owner, keeper or person in control of any dog shall be responsible for the removal of any defecation deposited by such dog on any private property (other than the owners) within the village of Grafton or on all town properties.

§6. POISONING DOGS

Any person who shall poison any dog or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog shall be guilty of a misdemeanor.

§7. BARKING PROHIBITED

It shall be unlawful for any owner of a dog to permit it to disturb the quiet of any person by excessive and continuous barking or howling.

§8. LICENSE REQUIRED

The owner of a dog that is more than six (6) months old shall cause it to be registered, numbered, described, and licensed in accordance with the provisions of Title 20, Chapter 193 of the Vermont Statutes Annotated, as amended.

All unlicensed dogs found within the limits of the Town of Grafton may be impounded or destroyed in a humane way by a police officer or constable when so ordered by the Selectboard.

§9. COLLAR REQUIRED

The owner of a dog shall keep on such dog whenever such dog shall be off the premises of the owner a collar or harness and fasten securely to the collar or harness and keep attached to it the license tag issued by the Town. It shall be unlawful for any person other than the owner or his agent or any officer to remove a license tag from a dog.

§10. OFFENSES/VIOLATIONS/FINES

An offense of any provision of this ordinance by any person shall be deemed a civil ordinance violation and shall be punishable by the following penalties:

(1) First offense

A first offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than twenty five dollars (\$25.00) and no more than fifty dollars (\$50.00).

(2) Second offense

A second offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than fifty dollars (\$50.00) and no more than five hundred dollars (\$500.00).

(3) Third and subsequent offenses

A third or subsequent offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than one hundred dollars (\$100.00) and no more than five hundred dollars (\$500.00).

The Selectboard may establish waiver fines for each of the above offenses. In addition to the penalties provided in this section, any animal found in violation of this ordinance may be impounded as provided in §11 of this ordinance.

§11. IMPOUNDMENT

Dogs in violation of any provision of this ordinance may be taken by the enforcement officer and impounded in the Town pound and there confined in a humane manner.

Upon impounding any dog, a record, on a form prescribed, shall be made by the impounding officer of the breed, color, and sex of such dog, where it was caught, and whether it was licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. The record of the impounding officer shall be filed immediately with the Town Clerk's Office.

§12. PROPERTY OWNER MAY IMPOUND

Any person finding any dog upon his property to his injury or annoyance may hold the dog in his possession and as soon as possible notify the dog warden, constable, or any other enforcement officer of this custody, giving a description of the dog and the name of the owner, if known. The enforcement officer, as soon as possible after receiving the notice, will appear at the premises and take possession of the dog and remove it to the Town pound.

§13. NOTICE OF IMPOUNDMENT

Within twenty-four (24) hours of the impoundment of any dog under this ordinance, the enforcement officer shall make every reasonable attempt to notify the owner if known, of the impounded dog of such impoundment and if not known, to post at the Town Clerk's office a notice containing a description of the dog and when and where it was caught.

Such notice shall include either personal contact with the owner or a written notice posted at the dwelling house of the owner.

§14. REDEMPTION OF IMPOUNDED DOGS

The owner of any dog so impounded may reclaim such dog upon payment of all costs and charges incurred by the Town for impounding and maintaining the dog, as well as payment to the Town Clerk of the license fee if the dog is unlicensed.

(a) Impoundment fees

Any dog impounded under the provisions of this ordinance shall be released only upon payment of a thirty dollar (\$30) impounding fee and boarding fees; provided, however, that any dog impounded for the second time in any twelve-month period shall be released only on payment of a fifty dollar (\$50) impounding fee, and if so captured three (3) or more times in any twelve-month period it shall be released only upon payment of a seventy dollar (\$70) impounding fee. This fee may be waived by the Selectboard.

(b) Boarding fee

In addition to the impound fee charged herein, the Town has the option to recover all fees incurred for boarding.

(c) Town Clerk to collect fees before releasing dog

It shall be the duty of the Town Clerk to collect all impound and boarding fees before releasing a dog. No impounded animal may be released without a receipt from the Town Clerk.

(d) Unlicensed dogs to be licensed before release.

If an impounded dog is unlicensed, in addition to the impounding and boarding fees set forth herein, the dog shall not be released without the payment of the license fee required by State law, except that if the impounded dog has not had its proper vaccinations to be registered a thirty-five dollar (\$35.00) cash deposit shall be posted with the Town Clerk or his or her designated agent(s) until proof of registration is presented. A dog released under cash deposit shall be registered within two (2) working days after its release. If the dog is not registered within the time period set forth herein, the cash deposit shall be forfeited and the owner of the animal shall be subject to additional penalties under the provision of 20 V.S.A. Chapter 193.

(e) Disposition of unredeemed dogs

If any impounded dog with a current and effective license established by proof of a dog license tag, is not redeemed within five (5) days of its impoundment, it shall be sold or given away. If any impounded dog without a current and effective license established by proof of a dog license tag, is not redeemed within five (5) days of its impoundment, it shall be sold or given away.

Any proceeds from the sale of any impounded dog shall first be allocated to fines, fees and other charges related to the impoundment. Any balance then remaining shall be paid to the owner if the owner can be found.

If proceeds from the sale of the unredeemed dog do not cover the costs associated with the impoundment, the balance of sums owed under this ordinance may be collected in a civil action brought under this section.

If any unredeemed dog is not sold or given away because of disease, temperament or other cause, it shall be destroyed in a humane way. The cost may be recovered from the owner. The impoundment period may be waived by the Selectboard in case of a severely injured animal whose owner cannot be located or is unwilling to claim the animal.

(f) Interference with impoundment

Any person who interferes with the impounding of a dog under provision of this article or releases, or who attempts to release an impounded dog contrary to this article shall be in violation of this ordinance in addition to any other violation of the law.

§15. ANIMAL CONTROL HEARINGS

(a) Vicious dogs

Upon written complaint that a dog is alleged to be vicious as defined in §4203 of this ordinance, the Selectboard may hold a hearing on the acts of the complaint and, if the dog is found to be vicious, make such order as necessary to protect the public. Such order may include, but is not limited to, any of the following; confinement in a secure enclosure or other similar restriction, muzzling, adoption, or destruction in a humane manner. In addition, the Selectboard may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the Town and that no new privileges be granted.

If any dog bites any person without provocation while the dog is off the premises of the owner or if any dog has been found to have been attacking domestic animals or deer and that fact shall be proven to the Selectboard, the Selectboard may order that the dog be muzzled, confined, or disposed of in a humane way. If any vicious or rabies-infected dog running at large cannot be safely caught and impounded, the Selectboard may order such dog to be slain by a police officer or constable. It shall be unlawful for the owner, when notified by the dog officer, that such has bitten any person, to sell or give away such dog, or to permit it to be taken beyond the limits of the town except with permission of the Selectboard or under the care of a licensed veterinarian.

(b) Repeated impoundment

In the event that any dog shall be impounded three (3) or more times in a twelve-month period, the Selectboard may, at the request of an enforcement officer, or in its discretion, hold a hearing after which it may make such order as is necessary to protect the public. Such order may include, but is not limited to, any of the following; confinement in a secure enclosure or other similar restriction, muzzling, adoption, or destruction in a humane manner. In addition, the Selectboard may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the Town and that no new privileges be granted.

(c) Penalty for violation of orders

Any person who violates any provision of any order of the Selectboard shall be guilty of a civil violation and shall be punishable by a fine of from one hundred dollars (\$100.00) to five hundred dollars (\$500.00).

§16. REPEAL

Any other ordinance, amendment or regulation relating to the control of dogs is hereby repealed.

§17. SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

§18. AMENDMENTS

This ordinance may be amended by a majority vote of the Board of Selectmen at any duly constituted meeting in accordance with 24 V.S.A. Section 1972.

§19. EFFECTIVE DATE

This ordinance shall become effective 60 days after its adoption by the Grafton Selectboard unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 V.S.A. § 1973.

Adopted - October 23, 2006

Amended: xx/xx/2018

Effective date: xx/xx/xxxx

Grafton Selectboard

<i>Allan Sanders</i>	<i>8/20/2018</i>
<i>[Signature]</i>	<i>8/20/2018</i>
<i>Stan Mack</i>	<i>8/20/2018</i>
<i>Sean Gardner</i>	<i>8/20/2018</i>
<i>Cynthia Libbe</i>	<i>8/20/2018</i>

As used herein "Village" means all the area shown in this map and only this area:



Comment

Authority for this Ordinance in State Law:

(Cite as: 20 V.S.A.

- Chapter 191: Control Generally
 - Contains: §§ 3341 - 3513
- Chapter 193: Domestic Pet Or Wolf-hybrid Control
 - Contains: §§ 3541 - 3817

(Cite as: 24 V.S.A. § 2291)

- § 2291. Enumeration of powers

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

(10) To regulate the keeping of dogs, and to provide for their licensing, leashing, muzzling, restraint, impoundment, and destruction.