

TOWN OF STOCKBRIDGE
ANIMAL CONTROL ORDINANCE

PREAMBLE: The Selectmen of the Town of Stockbridge, being mindful of the fact that there are numerous dogs and domestic pets running at large in the Town, and that these pets represent not only a danger to young children and all Stockbridge residents, but may be a source of annoyance and concern to many citizens, hereby declare that it is in the best interest of the health and safety of all citizens that the keeping of dogs within the Town limits be controlled as hereinafter set forth.

WHEREFORE: The Town of Stockbridge pursuant to Titles 24 Section 1971 and 20 Section 3549 Vermont Statutes Annotated and any other such provision as may be material hereto, the Selectboard hereby orders that the following Ordinance be adopted:

Section 1. Definitions:

As used in this ordinance the following words or phrases have the following meanings:

"Domestic Pet" For the purposes of this Ordinance, domestic pets shall include domestic dogs and "wolf hybrids" or similar animal of both sexes.

"Wolf Hybrid" shall mean an animal which is the progeny or descendent of a wolf and a domestic dog or which is advertised, licensed, described, or represented as a wolf hybrid by its owner, or which exhibits primary physical and behavioral wolf characteristics. Any provision of this Ordinance applying to domestic pets shall also apply to wolf hybrids.

"Owner" shall mean any person owning, keeping or harboring a domestic pet or who has actual or constructive possession of the pet or wolf hybrid. The term includes those who provide feed and shelter to a domestic pet or wolf hybrid, but does not apply to feral animals that take up residence in buildings other than the persons home.

"Running at large" shall include any activity of a domestic pet when it is: (1) off the property of the owner, and (2) not under direct control of the owner, immediate family member or agent of the owner either by leash, cord, chain or other similar means of restraint or within a vehicle under the control of the owner or owners agent so that at all times the pet can be prevented from causing damage, injury, disturbance or annoyance.

"Vicious dog" shall mean any dog or domestic pet which bites, snaps at or tears at the clothes of any person in an attempt to bite any person, or which attacks or threatens to attack any person, except where such an attack occurs due to unlawful trespass upon the property of the owner of the domestic pet .

"Town Pound" shall mean a pound or facility designated by the Selectmen for the confinement and disposition of domestic pets in violation of any provision of this Ordinance whereby the ACO is authorized to impound such animal, whether or not operated by the Town and whether or not within the Town limits.

"Animal Control Officer" (ACO) shall mean any Constable of the Town of Stockbridge, State Police Officer, Deputy Sheriff or any other person appointed "Animal control Officer" By the Selectmen and authorized to enforce this ordinance.

Section 2. License Required

A) The Owner of any domestic pet which is kept within the Town and is more than six months old shall annually cause it to be registered, described, numbered and licensed with the Clerk of the municipality on or before April 1 of each year in accordance with the provisions of Title 20, Chapter 193 of the Vermont Statutes Annotated, as the same are now in effect or may be amended from time to time. No person shall refuse to exhibit the license of his dog or a receipt therefor to any ACO when requested to do so.

B) The Selectboard of the Town will shall adopt a schedule of fees, in accordance with statutory requirements, for the licensing of domestic pets. Such fee schedule may include license surcharges to help offset the cost of administering this Ordinance

C) Prior to being entitled to obtain a license as a neutered domestic pet or wolf hybrid, the owner shall provide to the Clerk a copy of a certificate from a licensed veterinarian stating that the domestic pet has been sterilized.

D) All domestic pet owners shall submit a certificate or certified copy of a certificate signed by a licensed veterinarian stating that the pet has received a current pre-exposure rabies vaccination with a vaccine approved by the Commissioner and the person shall certify that the animal described in the certificate is the animal to be licensed. The certificate shall be kept by the owner and displayed to a proper municipal or state official upon request.

Section 3. Collar Required

A) An owner or person otherwise in control of a domestic pet within the Town limits shall cause such domestic pet to wear a collar or harness, fastened securely, and to have attached to same the license tag issued by the Town. It shall be unlawful for any person other than the owner or his agent or any ACO to remove a license tag from a domestic pet.

Section 4. Failure to License

A) All domestic pets must be licensed and display license tags in accordance with the provisions of Section 2 and 3 of this ordinance. All unlicensed domestic pets found within the limits of the Town shall be impounded.

At the discretion of the Selectboard and or ACO, any unlicensed dogs may be humanely destroyed after issuance of a warrant to destroy by the Selectboard in accordance with the provisions of 20 VSA Ch. 193 subchapter 2.

Section 5. Running at Large Prohibited

A) It shall be unlawful for any owner or owners agent to permit a domestic pet to run or be at large within the Town as defined by this Ordinance.

Section 6. Barking Prohibited

A) It shall be unlawful for any owner or person having control of a domestic pet to permit it to disturb the quiet of any other person by frequent, habitual, or persistent barking or howling. If, after having received at least two verbal complaints and or one written complaint, the ACO is reasonably able to establish that such an offense has occurred, he/she may issue a ticket in accordance with Section 14. Each day shall constitute a separate offense.

Section 7. Impounding of Domestic pets

A) It shall be the duty of any ACO to apprehend any domestic pet running at large and to confine such domestic pet in the Town Pound. At the discretion of the Selectboard and or ACO, domestic pets may be impounded for any violation of this Ordinance.

B) Upon impounding of any domestic pet the ACO shall make and keep a record of the breed, color, and sex of such domestic pet, where the domestic pet was caught and whether it was licensed. The record of the impounding officer shall be filed with the Selectboard at regular intervals.

C. The impounding ACO shall within twenty-four (24) hours, if possible, give notice to the owner or person having care of such domestic pet (if known), either in person, by telephone, by written notice left at his dwelling-house, or by written notice mailed to the last known address of the owner, of the impoundment of such domestic pet. If the owner or address is not known, the ACO may, but shall not be obligated to, post a notice at the Town clerk's Office for one week (7 days).

D) Any person finding a domestic pet upon his property to his

injury or annoyance may hold the same in his possession, giving immediate notice to the ACO or Town Clerk that he/she is holding such domestic pet, and giving description of the domestic pet as well as the name of the owner, if known. The ACO shall impound such a domestic pet as soon as possible.

Section 8. Redemption of Impounded Domestic pets

A) The owner of an impounded domestic pet, or his agent carrying written authorization, may reclaim such domestic pet upon payment of the penalties and charges set forth below. It shall be the duty of the ACO to insure that all penalties and charges have been paid to the Clerk of the Municipality before authorizing the release of an impounded domestic pet.

If not claimed after one week (7 days), the ACO shall be authorized to sell, give away, or dispose of it in a humane manner. The owner of any domestic pet which has been impounded shall pay the daily boarding fees, as established by the Selectboard, prior to having a domestic pet released into their custody.

B) If any impounded domestic pet is unlicensed the ACO may, at his/her discretion, release the impounded domestic pet into the custody of the owner or agent, after payment of a \$50.00 deposit, solely for the purpose of obtaining required immunizations and to license such pet as required by paragraph two of this ordinance.

If the ACO has reasonable cause to believe that the owner or agent will fail to immunize and license said pet, he/she may refuse to release said pet into the custody of the owner agent and may dispose of the pet in accordance with the provisions of this ordinance for unlicensed pets.

If the owner or agent, who has been granted custody as above, fails to license the pet within 5 business days of release into their custody, the deposit shall be forfeited and the ACO shall assess additional fines as herein allowed and re-impound and humanely destroy the subject pet.

Section 9. Rabies Control

A) Any owner of a domestic pet which has contracted rabies or which as been exposed to rabies or which is suspected of having rabies or which has bitten any person, shall, upon demand of any law enforcement officer, the health officer, selectmen, or the ACO, surrender such domestic pet to be held for observation and treatment, the total cost of which shall be the responsibility of the owner.

If, in the opinion of the above town officials, the domestic pet can be responsibly confined and observed at the owners home and in the owners care, the town officials may authorize such confinement as an alternative to impoundment.

All domestic pets suspected of being exposed to rabies

shall be managed in accordance with the provisions as set forth in Title 20 Ch. 193, subchapter 5 and such rules and protocols as may be established by the Department of Agriculture and the Department of Health. Said rules and protocols shall supersede any provisions of this Ordinance if they are more restrictive than the provisions of this Ordinance.

B) It shall be the duty of every owner of a domestic pet which has been attacked or bitten by another domestic pet or animal showing the symptoms of rabies to notify a law enforcement officer, health officer, selectmen, or ACO immediately that such person has a domestic pet or other animal in his possession.

C) Whenever a domestic pet is impounded after having bitten a person, the domestic pet shall be held and observed for a sufficient length of time to meet the requirements of Section 9 (A) above (not less than ten days). If the health officer or ACO determines at any time that the domestic pet is rabid, or a licensed veterinarian determines that there is a reasonable likelihood that the pet is rabid, the domestic pet shall be destroyed in accordance with the rabies control protocol. The owner shall be held liable for any and all disposal, pick-up, and confinement charges as approved by the Selectmen.

D) It shall be unlawful for the owner when notified that his domestic pet has bitten any person, to sell or give away such domestic pet, or permit it to be taken beyond the limits of the Town except under the care of a licensed veterinarian without the prior permission of the health officer or ACO.

Section 10. Complaints

A) It shall be the duty of the ACO to investigate complaints filed by residents for alleged violations of this Ordinance. If the ACO finds there has been a violation involving failure to license, attack or bite by vicious domestic pet, or a second violation for running at large, he/she shall take any and all measures necessary to cure and abate the violation in accordance with this Ordinance.

For all other violations the ACO may exercise reasonable discretion in issuing tickets and orders so as to prevent future violations from occurring.

Section 11. Vicious Domestic pets

A) When a domestic pet has bitten a person, while off the premises of the owner or keeper of the domestic pet, and that person required medical attention as a result of the attack, such person may file a written complaint with the Selectboard. The written complaint must contain the time, date, place and

circumstances of the attack, the name and address of the victim or victims, the name and address of the domestic pets owner (if known), names of witnesses (if any) and any other information that would aid the investigation, of the complaint.

B) The Selectboard and or ACO shall investigate a written complaint within 7 days of receipt and the Selectboard shall hold a hearing on the matter. If the owner can be ascertained with due diligence, the Selectboard shall provide the owner with written notice of a time, date, and place of hearing and the facts of the complaint.

C) If, after hearing on the case, the Selectboard concludes that the attack was unprovoked, then they shall make an order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet is disposed of in a humane way, muzzled, chained or confined. This order shall be sent by certified mail, return receipt requested. A person who fails to comply with the order may be fined in accordance with the provisions of this Ordinance.

D) It shall be unlawful for the owner or person having custody of any domestic pet after receipt of notice by an ACO that the domestic pet has bitten any person to sell or give away such domestic pet, or permit it to be taken beyond the limits of the town without having first obtained permission of the Selectmen.

Section 12. Cruelty

No person shall torture, torment or cruelly neglect to provide with necessary sustenance or shelter, or shall cruelly beat, needlessly mutilate or kill, or procure to be tortured, tormented, beaten, needlessly mutilate or kill any dog.

Section 13. Damage to Domestic Animals by Domestic Pets

(refer to: VSA 20 3741-3747)

A) A person who suffers loss by worrying, maiming, or killing of his/her animals by domestic pet or domestic pets shall report the nature and amount of such damage to the Selectboard and or ACO within 24 hours of his discovery of such damage.

One or more Selectmen and or the ACO shall forthwith cause an investigation of such alleged damage to be made to determine whether or not damage was done by domestic pets, and if so appraise the amount thereof and return a certificate of such amount to the Selectboard. If, however, it is determined by the ACO or Selectman that the damage exceeds \$20.00, he shall appoint 2 dis-interested persons who with the Selectman or ACO shall appraise the amount of damage and return a

certificate of same to the Selectboard.

The appraisal shall be assessed at 100% of the full value for all animals killed, 50% of the full value for all animals maimed and not less than \$.50 per head per injury to the remainder of the flock over three months of age by worrying.

B) Where the Board concurs with the certificate of appraisal they shall compensate the owner in the amount thereof. Where doubt exists they may summon the appraisers and parties and make such investigations as they deem proper.

C) The Board may bring a civil action against the owners of the domestic pets involved in doing the damage to domestic animals to recover the full amount of damages paid by the Town.

Section 14. Enforcement & Penalties

A) Violations. Any violation of this Ordinance or of any requirement of any order issued by the Selectboard under the provisions of this Ordinance shall be subject to penalties set forth below. Violations of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA Section 1974a and 1977 et seq. Each day a violation exists shall constitute a separate violation.

B) Penalties. A violation of Sections 2, 3, 4, 5, 6, 9 and 11 of this ordinance is subject to a civil penalty of up to \$100 a day for the first offense, \$150.00 for a second offense within a six month period, and \$200.00 for subsequent offenses within a six month period. A waiver fee shall be set at \$50.00 for the first offense, \$75.00 for a second offense within a six month period and \$100.00 for subsequent offenses within a six month period. Each day the violation continues shall constitute a new offense.

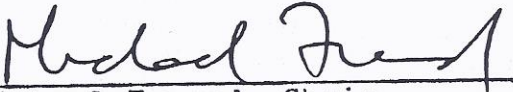
Section 15. Separability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 16. Ordinance Repealed

This ordinance repeals any prior dog regulations adopted by the Town of Stockbridge.

Adopted by the Stockbridge Selectboard April 2, 1998. The ordinance will become effective on June 2, 1998 unless a petition seeking disapproval thereof is filed with the Town Clerk no more than forty-four (44) days from the above-stated date of adoption.



Michael Freund, Chair



Mark Pelletier



Mike Ketchum