

# TOWN OF STOWE, VERMONT

## MUNICIPAL CODE Chapter 2

### ANIMAL CONTROL ORDINANCE

#### ARTICLE I GENERAL INFORMATION

I.1 The Selectboard of the Town of Stowe hereby ordain this Animal Control Ordinance to be in effect as of the date noted below pursuant to the authority granted under Section 203(15) and Section 204 of the Charter of the Town of Stowe, 20 VSA Chapter 191, 20 VSA Chapter 193 and 24 VSA Chapter 59.

I.2 The purpose of this Ordinance is to regulate the keeping of domestic animals and their running at-large in order to promote the general safety and well-being of the residents of Stowe, community visitors, domestic animals, domestic fowl, livestock and deer.

I.3 This Ordinance shall amend in its entirety a Dog Ordinance adopted on May 5, 1982 as amended on December 12, 1985, September 28, 1998, May 26, 2009 and any other previous amendments.

I.4 This Ordinance is hereby designated as civil pursuant to 24 VSA § 1971 (b).

#### ARTICLE II DEFINITIONS

II.1 The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning. Other definitions shall have the meanings ascribed by Vermont law or in the event no legal definition exists, the meaning shall be ascribed by a recent edition of a modern English language dictionary.

*Domestic Animal* shall mean any pet dog (including wolf-hybrid), cat, rabbit, ferret, rodent, pig, non-human primate or other warm-blooded vertebrate customarily kept as a pet in a residential setting. The term shall also include any guide, hearing or service dogs.

*Officer* shall mean any duly sworn Police Officer of the Town of Stowe or a person appointed Animal Control Officer by the Selectboard. (The Animal Control Officer need not be a resident or live in the Town of Stowe.)

*Owner* shall mean any person owning, keeping or harboring a domestic animal. The head of household having a domestic animal in his/her possession shall be presumed to be the owner or possessor of such animal.

*Running at large* shall mean off the premises of the owner without physical restraint or control by leash, cord, chain or confinement or under the immediate control of its owner by means of training, habit or instinct.

*Town Pound* shall mean a pound designated by the Selectboard whether or not operated by the town or whether or not within the town limits.

*Vicious animal* shall mean any domestic animal which bites a person or snaps at or tears the clothes in attempt to bite any person at any time, other than when the animal is restrained within a proper enclosure or on the premises of the owner, or any domestic animal who has been found attacking, wounding, killing or worrying another domestic animal, domestic fowl, livestock or deer.

### ARTICLE III            DOMESTIC ANIMAL REGULATIONS

III.1    It shall be a violation of this Ordinance for any owner of a domestic animal to permit said animal to be running at large within the Town of Stowe.

III.2    It shall be a violation of this Ordinance for any domestic animal to bite, attempt to bite or attack any person, domestic animal, domestic fowl, livestock or deer, except during such times as the animal is defending its owner's property against trespass or participating in lawful hunting activity. However, an Officer exercising his/her responsibilities in accordance with the provisions of this Ordinance shall not be considered an uninvited trespassor. Furthermore, this Section of the Ordinance is not intended to absolve a domestic animal owner of civil liability in the event of personal damages attributable to an attack against an uninvited trespassor.

III.3    No person shall torture, poison, torment or cruelly neglect to provide any domestic animal with necessary sustenance or shelter, or cruelly beat, needlessly mutilate or cause any domestic animal to be tortured, tormented, beaten, needlessly mutilated, killed or deprived of necessary sustenance or shelter, except as otherwise permitted by law.

III.4    Any Officer may apprehend, quarantine or impound a domestic animal for ten (10) days when said animal: (a) is suspected of being rabid; (b) is believed to have been attacked by another animal suspected of being rabid; (c) has been attacked by a wild animal; (d) has an unknown rabies vaccination history; or (e) bites a person. In the event an Officer issues an order that an owner confine or quarantine a domestic

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animal on the owner's premises under the provisions of this Section, it shall be a violation of this Ordinance for the owner to permit said animal to be taken off the owner's property until such time as the order is rescinded, except with permission of the Selectboard or under the care of a licensed veterinarian.

#### ARTICLE IV           DOG CONTROL REGULATIONS

IV.1   A person who owns a dog within the Town of Stowe that is more than six (6) months old shall cause it to be registered, numbered, described and licensed in accordance with the provisions of 20 VSA Chapter 193.

IV.2   A person who owns a dog within the Town of Stowe shall keep on such dog whenever such dog shall be off the owner's premises, a collar or harness with a license tag issued by the Town securely attached thereto. It shall be a violation of this Ordinance for any person other than the owner or his/her agent or any Officer to remove a collar, harness or license tag from a dog, except during a medical emergency.

#### IV.3

Dogs not on their owner's premises must be under the control of a competent and responsible attendant and secured to the attendant by a leash of no more than six feet (6') in length at all times while (a) on the paved Stowe Recreation Path, (b) in a public parking lot, (c) in Memorial Park, (d) on Cemetery Road, (e) on any public sidewalk and (f) on any other public grounds upon order of the Selectboard. If the dog is a guide, hearing or service dog and use of a leash would interfere with the dog's safe, effective performance of work or tasks for the individual it serves, the dog must otherwise be under the individual's control (e.g., through voice control, signals, or other effective means).

IV.4   No dogs, except guide, hearing or service dogs, shall be allowed in a public cemetery.

IV.5   No person owning or possessing a dog shall permit it to disturb the quiet of any person by unreasonable barking or howling.

IV.6   A dog owner shall be responsible for the immediate removal and proper disposal of his/her dog's feces from property other than the owner's premises. Proper disposal shall consist of placing the feces in an impermeable wrapper and using a trash receptacle.

#### ARTICLE V           ADMINISTRATION AND ENFORCEMENT

V.1    In addition to the authority of the Town to impound a domestic animal and recover its reasonable costs for the apprehension and care of an impounded animal as

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set forth herein, a violation of this Ordinance shall be a civil matter enforced against the owner in accordance with the provisions of 24 VSA §1974a and §1977. A civil penalty of one hundred dollars (\$100.00) may be imposed for the initial violation of this Ordinance. The penalty for a second offense committed within six (6) months of a first offense shall be two hundred dollars (\$200.00), and the penalty for subsequent offenses committed within six (6) months of the first offense shall be three hundred dollars (\$300.00). The waiver fee shall be set at fifty dollars (\$50.00) for the first offense, one-hundred dollars (\$100.00) for the second offense and two hundred dollars (\$200.00) for all subsequent offenses. Each day that the violation continues will constitute a separate violation of this Ordinance.

V.2 A violation of Section III.3 of this Ordinance shall be an egregious offense deserving of the maximum penalty allowed by law. Therefore, any person found to be in violation of Section III.3 of this Ordinance shall be subject to a penalty of five hundred dollars (\$500.00) per violation per day and no waiver fee shall be allowed.

A violation of Section III.2 of this Ordinance shall be an egregious offense and the penalties and waiver fees imposed against the owner of a domestic animal set forth in Section V.1 shall be doubled. In addition, the Selectboard reserves the right to hold a hearing in accordance in V.7 and also require any of the remedies outlined therein.

V.3 Any person finding any domestic animal upon his/her property may hold the animal in his/her possession and as soon as possible notify the Police Department or Animal Control Officer of this custody, giving a description of the animal and the name of the owner, if known. The Animal Control Officer or a Police Officer as soon as possible after receiving notice will take possession of the animal and remove it to the Town Pound.

V.4 Any Officer of the Town is hereby authorized to apprehend any domestic animal running at large and to impound such animal in the Town Pound. Upon impounding any animal, a record shall be made by the impounding Officer of the animal species, breed, color and gender, where it was caught and if a dog believed to be over six (6) months of age, whether it was licensed. The record of the impounding Officer shall be filed with the Town -Manager and Police Department. Upon any domestic animal being impounded, it shall be the duty of the Animal Control Officer to notify the owner, possessor or person who harbors or keeps the animal, if known, and if not known, to post at the Town Clerk's office a notice containing a description of the animal and when and where caught. If no owner or person entitled to or claiming the possession of any such domestic animal shall claim the animal within seven (7) full days after such notice, the Animal Control Officer may, at the expiration of seven (7) days from the date of the receipt or posting of the notice provided for in this Section, sell, give away or dispose of in a humane manner any such animal not redeemed or claimed, taking a receipt therefore from the purchaser or recipient thereof. Day as used in this Section shall

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mean business days.

V.5 The owner or person entitled to possession of any impounded domestic animal may reclaim such animal upon payment of expenses, fees, costs and charges incurred by the Town for impounding and maintaining the animal at a rate of thirty -five dollars (\$35.00) per day, to include any portion thereof. A domestic animal shall be considered impounded immediately upon an Officer taking control or possession of the animal. Upon payment of the impounding fee, the Officer will issue a receipt and release the animal to the owner's custody. The Officer may waive the \$35 per day charge for one day for a first time offense.

V.6 The Town shall not release any dog from being impounded unless and until said dog is duly licensed and has a current rabies vaccination certificate issued by a licensed veterinarian.

V.7 The Selectboard may hold a hearing within twenty-one (21) days upon receipt of a written complaint of a vicious animal, rabid animal or for repeated violations of this Ordinance. Upon the close of said hearing, the Selectboard may: (a) petition Superior Court to enjoin the violation of any provision of this Ordinance; (b) issue a warrant to an Officer directing them to have an animal humanely destroyed; (c) issue an order to have a vicious animal muzzled and/or restrained; and (d) issue an order for restitution of any and all damages to be paid by an animal's owner.

V.8 Nothing in this Ordinance shall be construed to prevent an Officer or other Town Agent from enforcing state laws pertaining to the regulation of domestic animals, to include applying for search warrants or taking any other action allowed by law.

V.9 The Selectboard hereby designates the Chief of Police as the "Custodial Official", the Animal Control Officer and all other duly sworn Police Officers as "Issuing Officials", and the Animal Control Officer and all other duly sworn Police Officers as "Appearing Officials" for the purposes of enforcing this Ordinance.

V.10 The Town Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law. The Manager may also authorize the Grand Juror or Animal Control Officer to file a motion for contempt proceedings or pursue other collection remedies.

## ARTICLE VI SEVERABILITY AND RECESSION

VI.1 In the event any portion of this Ordinance is found to be invalid or void by a court of competent jurisdiction or an act of a legislative body, the remaining provisions shall continue to be in full force and effect.

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VI.2 This Ordinance may be rescinded by a Special Town Meeting in accordance with the provisions of Section 204 (d) of the Charter of the Town of Stowe.

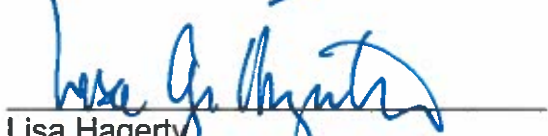
IN WITNESS WHEREOF, this ANIMAL CONTROL ORDINANCE is hereby approved and adopted by Selectboard for the Town of Stowe, on this, the 10<sup>th</sup> day of August 2015 to be effective immediately; whereby a first reading of this Ordinance was held at a duly warned open meeting of the Selectboard on July 27, 2015 , an advertisement for a public hearing to consider this Ordinance was published in the *Stowe Reporter* on July 23, 2015 and August 6, 2015, and a second reading and Public Hearing was held at a duly warned open meeting of the Selectboard on August 10, 2015.

. ATTEST:

The Stowe Selectboard:

  
William Adams, Chair

  
William Noyes, Vice Chair

  
Lisa Hagerty

  
Adam Davis

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Neil Van Dyke

UNDER SEAL OF THE TOWN, received, filed and recorded on this 14<sup>th</sup> day of August, 2015 at 11:40 Am.; ATTEST:

  
Office of the Town Clerk

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