

TOWN OF WINHALL DOG ORDINANCE

Pursuant to the provisions of 20 V.S.A Section 3549 as amended, and such other special or general enactments as may be material thereto, the following amended dog ordinance is hereby ordained by the Town of Winhall Selectboard.

Section 1: Definitions:

As used in this Ordinance, the following shall mean:

Dog: Any animal of the canine species.

Owner: Any person or group of persons, who owns, harbors or permits any dog to remain in or about their buildings or premises.

To Run At Large: Any dog that moves without restraint, control, or limitation as to property lines.

Uncontrolled Dog: A dog that is owned or kept by a person which is running at large within the Town of Winhall including a dog running in any public place which is not under restraint. A dog is under restraint within the meaning of this Ordinance if it is controlled by a leash not more than eight (8) feet long or is at heel beside a person and obedient to that person's commands, or is within a vehicle. Nothing in this Ordinance shall be construed to require the leashing of any dog while on private property by permission of the property owner or his agent, or to restrict the use of dogs for lawful hunting. An uncontrolled dog shall include all dogs which, by reason of the habitual or frequent barking, howling or yelping, disturb the peace and quiet of persons of ordinary sensibilities.

Vicious Dog: A dog which has caused reasonable fear of bodily injury by attacking or threatening to attack a person lawfully on the premises.

Section 2: Dogs At Large:

An uncontrolled or vicious dog as defined in this Ordinance, or a dog which has bitten a person other than in defense of property of its owner or in protection of members of its immediate family, or in protection of guests or invitees of its owner, shall not run at large without a restraint if a complaint has been made to the Dog Control Officer that the dog is either dangerous to the public or is creating a nuisance. The use of a dog for lawful hunting may not be restricted.

Section 3: Dogs In Heat:

The owner of any dog which is in heat shall keep the dog confined within the bounds of the owner's property and shall not permit such dog to run at large within the Town of Winhall. Such dog running at large is hereby declared to be a public nuisance and shall be impounded in accordance with provisions of Section 12 of this Ordinance.

Section 4: Barking Or Howling Dogs:

No person shall keep or harbor any dog which by frequent or habitual barking, howling or yelping, disturbs the peace or quiet of persons of ordinary sensibilities.

Section 5: Vicious Dogs:

A vicious dog within the meaning of this Ordinance and as defined herein is hereby declared to be a public nuisance. The owner of such dog shall keep it confined in a secure enclosure or on a chain leash.

Section 6: Cruelty To Dogs:

No person shall torture, torment, or neglect to provide necessary sustenance or shelter, or cruelly beat or needlessly mutilate or kill or cause any dog to be tortured, tormented or deprived of necessary sustenance, or to be cruelly beaten or needlessly mutilated or killed. *The fine for violation of this Section shall be Five Hundred Dollars (\$500).*

Section 7: Dog License- Required:

It shall be the obligation of every person owning, keeping or harboring any dog over four (4) months of age in the Town of Winhall to procure a license in accordance with 20 V.S.A Sections 3541-3592 as amended.

Section 8: Dog License- To Be Worn On The Collar:

It shall be the obligation of every person owning, keeping or harboring any dog in the Town of Winhall to fasten the license tag securely to the collar or harness whenever such dog shall be off the premises of the owner.

Section 9: Dog License- Unlawful To Remove:

It shall be unlawful for any person to remove a license tag from any dog other than the owner, his agent, law enforcement officers, constable, or Dog Control Officer of the Town of Winhall.

Section 10: Impoundment:

The Dog Control Officer, constable, or law enforcement officers of the Town of Winhall may impound any dog that is in violation of this Ordinance.

Section 11: Impoundment- Dogs In Heat Or Barking & Howling Dogs:

- (A) Any dog found in violation of Section(s) 3 & 4 may be impounded in the Town animal shelter as designated by the Selectboard for the Town of Winhall, and there be confined in a humane manner for a period of five (5) days unless reclaimed by its owner sooner. It may thereafter be given away, sold or disposed of in a humane manner.
- (B) When a dog is found in violation of Section(s) 3 & 4 either in lieu of impoundment or in addition thereto, the owner or keeper of such dog may be prosecuted for such violation.

Section 12: Impoundment- Dogs At Large:

- (A) First Offense: When the Town receives a written complaint of any dog found in violation of Section 2, the dog may be impounded in the Town animal shelter as designated by the Selectboard for the Town of Winhall and there be confined in a humane manner for a period of five (5) days unless reclaimed by its owner sooner. It may thereafter be given away, sold or disposed of in a humane manner. Before an owner of an impounded dog may retrieve their dog, they must pay the impoundment fee. Also, a letter will be sent to the owner of the dog from the Selectboard designating the dog as a vicious dog and thereafter, if the dog is off the owner's property, it must be on a leash.
- (B) Second Offense: When the Town receives a written complaint for a second offense on any dog found in violation of Section 2, the dog may be impounded in the Town animal shelter as designated by the Selectboard for the Town of Winhall and there be confined in a humane manner for a period of five (5) days unless reclaimed by its owner sooner. It may thereafter be given away, sold or disposed of in a humane manner. Before an owner of an impounded dog may retrieve their dog, they must pay the impoundment fee. If the dog is off the premises, it must be on a leash. A letter will be sent to the owner of the dog from the Selectboard stating that if the Town receives a third written complaint, the dog will be impounded and disposed of in a humane manner.
- (C) Third Offense: When the Town receives a written complaint for a third offense for any dog found in violation of Section 2, the dog will be impounded and disposed of in a humane manner.

Section 13: Impoundment- Redemption:

The owner shall be entitled to reclaim any impounded, unlicensed dog upon compliance with the provisions set forth in Section 7 including paying all outstanding impound fees. Any other dog impounded under Section(s) 7, 8, 9, 10, 11 & 12 may be reclaimed upon payment of all outstanding impoundment fees, with the exception of a dog impounded under Section 12(C).

Section 14: Impoundment- Unclaimed Dogs:

Any impounded dog which is not claimed by its owner within five (5) days may be sold, given to a responsible person, or disposed of in a humane manner provided the owner is not deprived of any remedies otherwise provided by law.

Section 15: Impoundment Fees:

Any dog which is impounded under the provisions set forth in Sections 2, 3, 4, 7, 8, 9, 10, 11 & 12 of this Ordinance may be reclaimed, with the exception of a dog impounded under Section 12(C). *An impoundment fee of One Hundred Dollars (\$100) may be paid to the Dog Control Officer or his designee. The impoundment fee shall then be forwarded to the Town Treasurer.*

Section 16: Penalties:

Any person who violates any provision(s) of this Ordinance shall be subject to a fine not to exceed Five Hundred Dollars (\$500). Fines for a violation of this Ordinance, unless otherwise specified, shall be the following:

- (A) First offense shall be Fifty Dollars (\$50);
- (B) Second offense shall be One Hundred Dollars (\$100);
- (C) Third offense shall be Two Hundred Dollars (\$200);
- (D) Any additional offense shall be Five Hundred Dollars (\$500).

The waiver fee for a violation of this Ordinance shall be the following:

- (A) First offense shall be Thirty-Five Dollars (\$35);
- (B) Second offense shall be Seventy-Five Dollars (\$75);
- (C) Third offense shall be One Hundred Twenty-Five Dollars (\$125)

Section 17: Enforcement Officials:

The Dog Control Officer or police officials of the Town of Winhall shall have the authority to enforce the terms of this Ordinance and to issue tickets and/or violations. The Custodial Officer of the tickets shall be the Chief of Police of the Town of Winhall. The Appearing Officials shall be the Dog Control Officer, police officials of the Town of Winhall, or Town attorney.

Section 18: Designation:

This Ordinance is designated a civil ordinance pursuant to 24 V.S.A. Section 1971(b). This Ordinance may be referred to as the Town of Winhall Dog Ordinance of 1998, and in a prosecution hereunder, a copy of such Ordinance, certified by the Winhall Town Clerk, shall be prima facie evidence thereof. An allegation that the act constituting the offense charged is contrary to a specified provision of such Ordinance shall be sufficient reference thereto.

Section 19: Written Complaints:

Notwithstanding the provisions of Section 13, three (3) legal residents of the Town of Winhall who upon knowledge that a dog has bitten a person while the dog is off the premises of the owner or keeper, may file a written complaint with the Selectboard. The complaint shall contain the names and addresses of the three (3) complaining residents; the time, date and place where the attack occurred; the name and address of the victim or victims; and any other facts that may assist the Selectboard in conducting their investigation. The Selectboard, within seven (7) days from receipt of the complaint, shall investigate the charges and hold a hearing upon the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of the hearing, and the facts of the complaint. If the dog is found to have bitten the victim without provocation, the Selectboard may make such an order for the protection of persons as the facts and circumstances of the case may require, including that the dog be disposed of in a humane manner, muzzled, confined, or chained. The order shall be sent certified mail, return

receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be fined not more than Two Hundred Fifty Dollars (\$250).

Section 20: Publication & Posting:

This Ordinance was published in the Vermont News Guide on December 3, 1998 and filed with the Winhall Town Clerk on November 30, 1998, and became effective on January 18, 1999. A copy of this Ordinance is filed with the Winhall Town Clerk and may be obtained from the Town Clerk. This Ordinance may be disapproved by a vote of a majority of the qualified voters of the Town of Winhall at an annual or special Town meeting duly warned for the purpose pursuant to a petition signed and submitted in accordance with the provisions of Title 24 V.S.A. Section 1973 relating to "Permissive Referendum."

Section 21: Adoption:

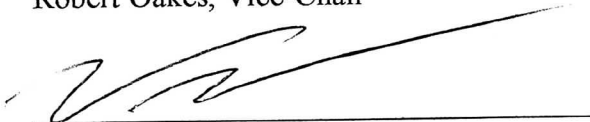
Readopted by the Winhall Selectboard on the 07 of MAY, 2008:



David Glabach, Chair



Robert Oakes, Vice-Chair



William Schwartz