

ANIMAL CONTROL ORDINANCE

PURPOSE: To protect the health, safety and welfare of the inhabitants of the municipality by regulating animals.

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974(a) and 1977.

WHEREFORE, the Town of Greensboro, pursuant to Title 20, V.S.A. 3549, hereby ordains:

ANIMAL CONTROL ORDINANCE

I. Definitions:

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

DOG OR WOLF HYBRID: Shall mean both male and female.

OWNER: Shall mean any person, firm, association and/or corporation, owning, keeping or harboring a dog or wolf hybrid. The head of household having a dog or wolf hybrid in its possession shall be presumed to be the owner or possessor of such dog or wolf hybrid.

KEEPER: Any person, other than the owner, that has the possession and control of any dog or wolf hybrid.

AT LARGE: Shall mean off the premises of the owner or keeper and not under control of the owner or keeper.

VICIOUS DOG OR WOLF HYBRID: Shall mean any dog or wolf hybrid that bites or snaps at, or tears the clothes in an attempt to bite any person or persons, or attempts to maim or kill another animal upon the streets, highways, sidewalks or other places.

PUBLIC NUISANCE DEFINED: Any continuing or often repeated act, omission, condition, or conduct which endangers life, health, or property or which unreasonably annoys, injures, or disturbs, or intrudes upon the free use and comfortable enjoyment of private and public lands in the Town of Greensboro, provided, however, such nuisance is specifically enumerated and defined in subsection 1.3 of this section.

TOWN POUND: Shall mean a pound designated by the Select Board whether or not operated by the Town or whether or not within the Town limits.

OFFICER: The word officer shall be interchangeable with Animal Control Officer and Dog Warden and shall mean the person or persons appointed by the Selectboard to police and enforce the Ordinance.

- 1.1 A person who is the owner of a dog shall be deemed to continue to be its owner until he has sold or donated his right, title and interest in such dog to another person.
- 1.2 A person who is the keeper of a dog shall be deemed to continue to be its keeper until he has returned such dog to the custody and control of its owner.
- 1.3 Animal Nuisances – Animals are hereby declared a public nuisance under the following circumstances or conditions:
 - An animal that repeatedly disturbs the rights of, threatens the safety of, or injures a member of the general public, or substantially interferes with the ordinary use and enjoyment of their property;
 - An animal repeatedly allowed or permitted to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damage to gardens, flowers or vegetables, or defecating upon the property of another, or injury to or worrying domestic animals and pets;
 - Animals maintained in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare, or safety or which substantially increases the probability of transmission of disease;
 - Property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property;
 - An animal that is diseased and dangerous to the public health;
 - An animal that habitually or repeatedly chases, snaps at, attacks or barks in a threatening manner at pedestrians, joggers, dogs walked on a leash by owners, bicycles or vehicles;
 - An animal kept or maintained contrary to the conditions of a lawful order issued by the Selectboard under Section IX of this ordinance.

II. LICENSE REQUIREMENTS:

- 2.1 A person who owns, harbors, or keeps a dog or wolf hybrid more than six months old shall cause it to be registered, numbered, described and licensed pursuant of Title 20, Chapter 193 of V.S.A., as amended.
- 2.2 A person who owns, harbors, or keeps a dog or wolf hybrid shall keep on such dog or wolf hybrid a collar or harness which shall have affixed securely thereto the license tag issued for said dog or wolf hybrid.
- 2.3 It shall be unlawful to keep or harbor a dog or wolf hybrid required to be licensed under the provisions of the Ordinance unless it has been so licensed and such license is valid and in effect in another community. All unlicensed dogs or wolf hybrids will be impounded by the Animal Control Officer.

III. DANGEROUS, DISEASED, NOISY OR DESTRUCTIVES DOGS OR WOLF HYBRIDS

- 3.1 If any dog or wolf hybrid bites, snaps at or tears the clothes in an attempt to bite any person or persons, and that fact shall be proven to the Animal control Officer or the Health Officer, that dog or wolf hybrid shall be deemed and declared VICIOUS and shall be picked up and impounded by the Animal Control Officer. If any dangerous, fierce, vicious or rabies infected dog or wolf hybrid running at large cannot be safely caught and impounded, such dog or wolf hybrid may be dispatched by the Animal Control Officer or any officer so named in the ordinance WITHOUT notice to the owner. It shall be unlawful for the owner, possessor or person harboring any dog or wolf hybrid, when notified by the Animal Control Officer or Health Officer that such dog or wolf hybrid has bitten any person, to sell or give away such dog or wolf hybrid, or to permit it to be taken beyond the Town limits, except with the permission of the Selectboard or under the care of a licensed veterinarian. Any dog or wolf hybrid so deemed to have bitten a person shall be impounded for ten (10) days.
- 3.2 An owner or keeper of a dog or wolf hybrid, who has reason to suspect or has been notified of the fact that such dog or wolf hybrid may be VICIOUS shall not allow it to run at large at any time.
- 3.3 An owner or keeper of a dog or wolf hybrid infected with a contagious or infectious disease shall not expose such dog in a public place whereby the health of other animals and or humans is affected.

IV. GENERAL VIOLATION

Any animal allowed to become or remain a public nuisance as herein defined shall constitute a violation of this Ordinance and may be impounded by the Animal Control Officer. The owner of any animal impounded, if such owner can be identified, shall be guilty of a violation of this Ordinance and subject to the penalties hereinafter provided.

V. ANIMAL CONTROL OFFICER DUTIES

The Animal Control Officer is hereby authorized and empowered to enter onto private lands, seize and impound animals and take all reasonable and necessary measures to abate public nuisances.

The Selectboard shall designate a person to act as Animal Control Officer to enforce the provisions of this Ordinance. It shall be the duty of the Animal Control Officer, or his or her authorized designee, to investigate complaints of animal nuisances and to enforce the provisions of this Ordinance. The Selectboard shall also designate the names of persons and their locations to receive animals for confinement under the terms of this Ordinance.

It shall be the duty of the Animal Control Officer to apprehend any domestic animal found running at large, being a public nuisance, endangering the health and welfare of the general public, or violating any portion of this Ordinance, and to impound such animal to the Town pound. Upon impounding any animal, a record shall be made by the Animal Control Officer of the breed, color and sex of such animal, where and when it was caught, and whether or not it is licensed. The record of the Animal Control Officer shall be filed with the Town Clerks Office within 24 hours.

VI. ENFORCEMENT

Upon completion of an investigation, the Animal Control Officer may seize or impound any animal which constitutes a public nuisance in violation of this Ordinance. The Animal Control Officer shall notify the owner or keeper of such animal, if known, of the location where and the person with whom the animal is confined. If an animal so confined is a licensed dog, the Animal Control Officer shall forthwith give notice in writing to the owner, mailed to the owner at his last know address, by certified mail with return receipt requested, stating that the dog may be reclaimed within ten (10) business days from the mailing of said notice. If the dog is not claimed, the dog shall be put up for adoption or disposed of in a humane manner. The owner shall be liable for all costs incurred by the Town for seizure, impoundment or disposal costs.

If an unlicensed dog is impounded by virtue of the Ordinance, the Animal Control Officer shall confine such dog and post at the Town Clerk's

Office, the local newspaper and at least two other public places a NOTICE containing a description of said animal and when and where caught. If no owner or person entitled to or claiming the possession of any such animal shall claim the same within ten (10) business days, the Animal Control Officer may at the expiration of the ten (10) days from the date of posting the NOTICE, sell, give away, or dispose of in an humane manner, any such animal not redeemed or claimed by anyone, taking a receipt therefore, from the purchaser or recipient thereof. All monies collected from sale of animals is to be turned into the Town Clerk's Office within 24 hours.

If the owner of an unlicensed dog is located and the owner wishes to reclaim the dog, the Animal Control Officer shall not release the dog until all required licenses have been obtained and evidence of anti-rabies inoculation is shown. The owner shall also pay to the Town a fee of \$25.00 plus all charges incurred by the Town for the impoundment of the dog. If the dog has been disposed of, the owner shall be liable for all costs incurred by the Town for such impoundment and disposal.

In addition to, or in lieu of impounding an animal found upon investigation of the Animal Control Officer to be a nuisance animal as defined in Section I, the Animal Control Officer may issue to the known owner of such animal a Notice of Fine, said Fine to be in the amount of \$50.00. A copy of the Notice of Fine shall be filed with the Selectboard.

Within five (5) business days of receipt of a Notice of Fine, the owner or keeper may elect to:

Pay the amount of the fine to the Town Clerk in full satisfaction of these penalties, or

File with the Town Clerk a request for hearing before the Selectboard; in which case a hearing shall be held in accordance with the procedures of Section IX of this Ordinance, and in which case no fine shall be due until a determination has been made by the Selectboard.

In the event of failure to pay any fine assessed or the filing of an appeal therefrom in a timely manner, the Town Attorney or other designated officer of the Town may initiate an action for enforcement of civil ordinance violations before the Traffic and Municipal Ordinance Bureau, and upon establishment of a violation of this Ordinance, the owner shall be fined not less than \$50.00 nor more than \$500.00. Each day a violation continues shall constitute a separate violation. Upon application by the Town, the Traffic and Municipal Ordinance Bureau may also order that any continuing violation cease. In addition to or in lieu of an

action before the Traffic and Municipal Ordinance Bureau, the Town may file an appropriate civil action in Superior Court.

VII. DISPOSITION OF IMPOUNDED ANIMAL

Upon any 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, the local newspaper and at least two other public places a NOTICE containing a description of said animal and when and where caught. If no owner or person entitled to or claiming the possession of any such animal shall claim the same within ten (10) business days, the Animal Control Officer may at the expiration of the ten (10) days from the date of posting the NOTICE, sell, give away, or dispose of in an humane manner, any such animal not redeemed or claimed by anyone, taking a receipt therefore, from the purchaser or recipient thereof. All monies collected from sale of animals is to be turned into the Town Clerk's Office within 24 hours.

VIII. REDEMPTION OF IMPOUNDED ANIMAL

The owner or person entitled to possession of any animal impounded for having been found without a license or being at large, may reclaim such animal upon payment of all fees, costs and charges incurred by the Town for impounding and maintaining the said animal.

The following charge shall be paid to the Town Clerk's office for impounding any animal: twenty-five dollars (\$25.00), plus an additional charge of five dollars (\$5.00) per day for board for each day the animal is in the pound. Upon payment of the impounding fee and boarding charge, a receipt will be issued together with an order authorizing the release of said animal from the pound.

An unlicensed animal that has been impounded shall not be released until a license has been issued by Town Clerk. The Town Clerk shall not issue a license until presented with a current rabies certificate issued by a duly licensed veterinarian.

The impounding fee shall be in addition to a civil fine and shall not preclude the issuance thereof.

IX. PROCEDURE FOR COMPLAINTS AND ACTION

COMPLAINTS AND HEARINGS

The Animal Control Officer, in accordance with section VI, or three legal residents of the Town not satisfied with the action of the Animal Control

Officer, who upon knowledge that an animal constitutes a public nuisance under this Ordinance may file a written complaint with the Selectboard. The complaint shall contain the names and addresses of the three complaining residents, the nature and basis of the complaint, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation required by subsection X.

The Selectboard, with twenty-one (21) days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner or keeper of the animal which is the subject of the complaint can be ascertained with due diligence, said owner or keeper shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.

After the hearing, if the animal is found to be a “NUISANCE” OR “VICIOUS DOG” under this Ordinance, the Selectboard may make findings of fact and such order for the abatement of such nuisance as the facts and circumstances of the case may require, including, without limitation, that the animal be disposed of in a humane way, muzzled, chained, or confined, and the owner or keeper of such animal may be assessed damages and/or a fine not to exceed \$500.00. The order shall be sent by certified mail, return receipt requested, or served personally upon the owner or keeper of the animal.

X. APPEALS

ACTIONS OF THE ANIMAL CONTROL OFFICER

Any owner or keeper of an animal found to be in violation of this Ordinance by the Animal Control Officer may appeal to the Selectboard any action, findings, impoundment charges, or boarding fees by filing written notification to the Town Clerk within seven (7) business days following the payment of any such charges, fees or fines.

The Selectboard shall convene a hearing on the appeal in accordance with the procedures under Section IX of the Ordinance. The Selectboard, after notice and hearing, may determine to affirm or reverse any or all findings, actions, charges, fees, or fines, and may direct the Town Treasurer to return any amounts paid as deemed appropriate.

ACTIONS OF THE SELECTBOARD

Any owner or keeper of any animal found to be in violation of this Ordinance may appeal any decision, order, action or finding of the Selectboard to the Orleans County Superior Court. Any appeal from the

decision of the Selectboard under this Ordinance shall be filed within thirty (30) days of the rendering of such decision.

XI. SEPARABILITY

Each separate provision of this Ordinance shall be deemed independent of all other provisions of this Ordinance, and if any provisions of this Ordinance shall be declared invalid in a court of law, all other provisions of this Ordinance shall remain valid and enforceable.

Adopted at a regular meeting of the Town of Greensboro Selectboard, duly warned for such purpose, this 8th day of May, 2001.

This ordinance will take effect on July 8, 2001.

TOWN OF GREENSBORO SELECTBOARD

George Young, Chair

Lawrence Lumsden

John Newburn