

VILLAGE OF ENOSBURG FALLS

DOG CONTROL ORDINANCE

Section 1004

The Board of Trustees of the Village of Enosburg Falls ordains and adopts this Dog Control Ordinance per the provisions of: Title 23, Vermont Statutes Annotated, Sections 1007 and 1008 and; Title 24, Vermont Statutes Annotated, Sections 1971 and 2291.

The Trustees of the Village of Enosburg Falls are mindful of the fact that there are numerous dogs running at large in the village. Trustees realize that these dogs represent a danger not only to young children but also are a source of annoyance and concern to many citizens. Therefore, the Trustees declare that it is in the best interest of the health and safety of all citizens that the keeping of dogs within the Village limits be controlled.

1. **DEFINITIONS:** Words or phrases used in this ordinance shall have the following meanings:

"Dog" shall mean any animal of the canine species (*canis familiaris*, *canis lupus* and *canis rufus*).

"Owner" shall mean any person or persons, partnership, association, or corporation owning, keeping, or harboring a dog. The head of household having a dog in their possession is presumed to be the owner or keeper of such dog, unless the dog is otherwise licensed.

"Running at Large" shall mean off the property or premises of the owner, not under the control of the owner or other person either by leash, cord, chain, in a motor vehicle under the control of the owner, and trespassing upon or damaging the property of others.

"Leash" shall mean an instrument consisting of rope, leather, chain, or cord with a fixed clasp on the collar end not to exceed eight feet in length.

"Vicious Dog" shall mean any dog that causes reasonable fear of bodily injury by attacking or threatening to attack any person, except as such person may be in the act of unlawfully trespassing upon the private property of the owner.

"Dog Pound" shall mean a facility for which the Selectmen have contracted for impoundment and disposal of dogs according to this ordinance. The dog pound is not required to be located within the Village of Enosburg Falls.

"Dog Officer" shall include the Town Constables, Sheriff, Deputy Sheriff, Police Officers, States Attorney, State Game Wardens, State Police or a person appointed

by the Trustees. The "dog officer" is not required to be a resident of the Village of Enosburg Falls.

"Village or Town Official" shall mean a member of the Board of Town Selectmen, Board of Village Trustees, Town Clerk, or Village Clerk.

2. **LICENSE REQUIRED:** A Person who owns, harbors, or keeps a dog within the Village that is more than six months old shall have it registered, numbered, described and licensed with the Town Clerk per the provisions of Title 20, Section 3581 -3592, V.S.A., as amended. No person shall refuse to show the license of his dog or a receipt therefore to any officer when requested to do so.
3. **COLLAR REQUIRED:** A person who owns, harbors, or keeps a dog within the Village limits shall always keep on such dog a collar or harness and attach 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 from a dog or to attach a license tag to a dog for which such tag was not issued.
4. **FAILURE TO LICENSE:** A person who keeps a dog contrary to license provisions of this ordinance shall be guilty of a misdemeanor. The Dog Officer will impound all unlicensed dogs found within the limits of the Village.
5. **RUNNING AT LARGE PROHIBITED:** It shall be unlawful for any person owning or possessing a dog to permit it to run or be at large within the Village. Every person owning or having a dog shall confine it to his or her premises when not on a leash under control of a competent and responsible attendant.
6. **NUISANCES PROHIBITED:** It is unlawful for any person owning or possessing a dog to permit it to disturb the peace and quiet of any person by unreasonable barking, yelping, or, howling. No person owning, keeping, or harboring a dog shall allow it to do any injury or to do damage to any lawn, shrubbery, flowers, grounds, or property of any other person. Such conduct is hereby declared to be a public nuisance.
7. **IMPOUNDING AUTHORIZATION AND RECORDS:** It shall be the duty of every Dog Officer to apprehend any dog found at large or dog that has been declared as a public nuisance and to impound such dog in the Town Pound. Upon impounding any dog, the impounding officer will make a record of the breed, color, and sex of such dog, where it was caught, whether licensed or unlicensed, the license number, and the Town that issued the license. The Dog Officer will file the record with the Enosburg Town Clerk and the Town Clerk of the licensing town.
8. **NOTIFICATION OF OFFICIALS:** To enforce this ordinance, any person finding any dog upon his property or creating a public nuisance, should as soon as possible notify the Dog Officer or any Village or Town Official. The Dog Officer will investigate the complaint and take

possession of the dog and remove it to the Dog Pound when appropriate

9. *NOTICE, DISPOSITION OF IMPOUNDED DOGS:* Upon any dog being impounded, it shall be the duty of the dog officer to notify the owner, possessor, or person who harbors or keeps the same, if known. If not known, to post at the Town Clerk's office a notice containing a description of said dog and when and where caught. If no owner or person entitled to or claiming the possession of any such dog shall claim the same within seven full days of such notice, the dog officer or any person duly authorized by the Selectmen to do so, may at the expiration of seven days from the date of receipt or posting of the notice provided for in this section sell, give away, or dispose of in a humane manner any such dog not redeemed or claimed by anyone, taking a receipt therefore from the purchaser or recipient thereof. If the dog has been disposed of, the owner or keeper shall be liable for all costs incurred by the Town. "Day" shall mean a business day.

10. *REDEMPTION OF IMPOUNDED DOG:* The owner or person entitled to possession of any dog impounded or having been found without a license or being at large, may reclaim such dog upon obtaining a license if required, payment of all fees, costs, and charges incurred by the Town for impounding and maintaining said dog. The following charges shall be paid to the dog officer for impounding any dog \$25.00 impounding fee plus the greater of an additional charge of \$3.50 for board each day or fraction thereof during which the dog is impounded or the actual cost to the Town for impounding and boarding said dog. Upon payment of the impounding fee and boarding charge, the dog officer will issue a receipt together with an order to the pound keeper authorizing the release of said dog.

11. *VICIOUS DOGS:* If any dog bites, snaps, or tears clothing in an attempt to bite any person or persons, or who has been found to have been attacking domestic animals, and that fact shall be proven to the Trustees, that dog may be deemed and declared by the Trustees to be a vicious animal. If any dangerous, fierce, vicious, or rabies infected dog running at large cannot be safely caught and impounded, such dog may be slain by any dog officer. It shall be unlawful for the owner, possessor, or person harboring any dog, when notified by the dog officer that such dog has bitten any person to sell, give away, or to permit it to be taken outside the limits of the Village except with permission of the Selectmen or Trustees or under the care of a licensed veterinarian.

12. *CRUELTY:* No person who 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.

13. *POISONING DOGS:* No person who shall poison any dog or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or dogs.

14. *CIVIL ORDINANCE:* A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A., 1974a and 1977 et seq. A civil penalty of \$50.00 may be imposed for the initial violation of this civil ordinance. The penalty for the second


offense within a six month period shall be \$100.00, and the penalty for subsequent offenses within a six month period shall be \$200.00. The waiver fee shall be set at \$25.00 for the first offense, \$50.00 for the second offense within a six month period, and \$100.00 for all subsequent offenses within a six month period. Each day that the violation continues will constitute a separate violation of this ordinance.

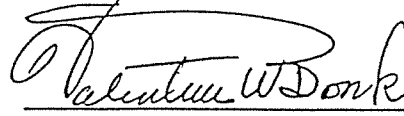
15. **SEPARABILITY:** If any section, subsection, sentence, clause, phrases, or portion of this ordinance is for any reason held invalid or held unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate and distinct provision and such will not affect the validity of the remaining portions thereof.

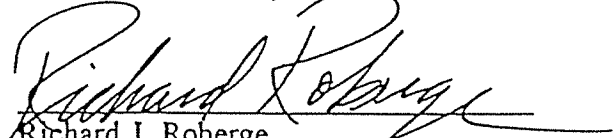
16. **HEARING:** For any violation of these ordinance the Board of Trustees may hold a hearing and upon a finding of any violation may order the dog restrained, muzzled, or destroyed.

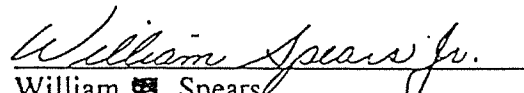
17. **REPEAL OF PRIOR ORDINANCES:** This ordinance repeals any prior dog regulations adopted by the Village of Enosburg Falls.

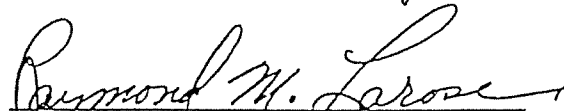
18. **CIVIL ORDINANCE:** This ordinance is designated a civil ordinance pursuant to Title 24 V.S.A. Section 1971 (b). To the extent a penalty is not established in this ordinance for violations thereof, there is hereby established a penalty of \$500.00 (Five Hundred Dollars) for a violation of this ordinance. Civil enforcement of this ordinance and actions for violations thereof shall be brought and maintained in the name of the Village by an enforcement officer for such purpose. All actions for enforcement of this civil ordinance shall be instituted and maintained in the manner provided in Title 24 V.S.A. 1974a-1981, as may be amended.

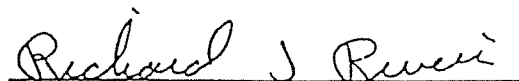

Richard Guilmette


Valentine W. Bonk, Chairman


Richard J. Roberge


William Spears


Raymond M. Larose


Richard J. Rivers

VILLAGE OF ENOSBURG FALLS, VERMONT

NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that at a regular meeting of the Board of Trustees of the Village of Enosburg Falls, Vermont, held on the 18th day of December, 1995, an ordinance was adopted in relation to Dog Control. The ordinance will become effective on the 16th day of February, 1996 unless a petition seeking disapproval thereof is filed with the Village Clerk no more than forty-four (44) days from the above-stated date of adoption.

The purpose of the ordinance is to regulate the Control of Dogs on public and private property through the enactment, implementation and enforcement of the following provisions:

Section 1	Definitions
Section 2	License Required
Section 3	Collar Required
Section 4	Failure to License
Section 5	Running at Large Prohibited
Section 6	Nuisances Prohibited
Section 7	Impounding Authorization and Records
Section 8	Notification of Officials
Section 9	Notice Disposition of Impounded Dogs
Section 10	Redemption of Impounded Dog
Section 11	Vicious Dogs
Section 12	Cruelty
Section 13	Poisoning Dogs
Section 14	Civil Ordinance
Section 15	Separability
Section 16	Hearing

Copies of the ordinance and further information relating to the same may be obtained by communication with Stephen B. McNeil, Village Manager, RR #4, Box 80, Enosburg Falls, VT 05450 (802-933-4443).