

TOWN OF SWANTON, VT
DOG ORDINANCE

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CATHY L. FOURNIER, TOWN CLERK
SWANTON, VT

THE SELECTBOARD OF THE TOWN OF SWANTON
HEREBY ORDAINS THAT THE ORDINANCE PROVIDING FOR
THE LICENSING OF ALL DOGS WITHIN THE TOWN OF
SWANTON TO REGULATE THE KEEPING AND RUNNING OF
DOGS PURSUANT TO TITLE 20, SECTION 3549, V.S.A., AND
AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF
DOGS AND PROVIDING FOR PENALTIES BE AMENDED TO
READ AS FOLLOWS:

AN ORDINANCE PROVIDING FOR THE LICENSING OF ALL DOGS
AND WOLF-HYBRIDS WITHIN THE TOWN OF SWANTON AND TO
REGULATE THE KEEPING AND RUNNING AT LARGE OF DOGS AND
WOLF-HYBRIDS PURSUANT TO CHAPTER 193 OF TITLE 20,
VERMONT STATUTES ANNOTATED AND AUTHORIZING THE
IMPOUNDING AND DESTRUCTION OF DOGS AND WOLF-HYBRIDS
AND PROVIDING FOR PENALTIES.

SECTION ONE
DEFINITION OF TERMS

As used in the ordinance unless the context clearly indicates otherwise, the following words or phrases shall have the following meanings:

- (a) “Dog” means any male or female domestic dog as defined in paragraph (e) below or male or female wolf-hybrid as defined in paragraph (b) below.
- (b) “Wolf-hybrid” means an animal, male or female, which is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*). “Wolf-hybrid” also means an animal, male or female, which is the progeny or descendant of a domestic dog (*Canis familiaris*) and any member of the family *Canidae*. “Wolf-hybrid” also means an animal, male or female, which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its owner or an animal which exhibits primary physical and behavioral wolf characteristics, as may be described by rule by the Vermont Commissioner of the Department of Fish and Wildlife pursuant to Chapter 193 of Title 20 Vermont Statutes Annotated.
- (c) “Owner” means any person who owns a dog and includes any person who has actual or constructive possession of the dog.

The term also includes those persons who provide feed or shelter to a dog. However, it is not the intent of this ordinance to require a person to be responsible under this chapter for feral animals that take up residence in a building other than the person's home, even if the person occasionally provides feed to the animal.

- (d) "Vicious dog or vicious Wolf-hybrid" is a dog or wolf-hybrid found to be vicious pursuant to Section Five (5) below.
- (e) "Domestic Dog" or "Dog" means any male or female domestic dog (*Canis familiaris*) or female wolf-hybrid as defined in paragraph (b) above.
- (f) **"At Large"** means off the premises leased or owned by the dog owner and not under the **control of the dog owner by leash.**
- (g) "Enforcement Officer" shall be the Town Constable, Animal Control Officer or such other person or persons as may be appointed by the Selectboard from time to time to enforce or execute the provisions of this ordinance.
- (h) "Poundkeeper" shall be the Town Constable, Animal Control Officer or such other person or persons as may be appointed by the Select Board from time to time to receive, maintain, and dispose of domestic pets or wolf-hybrids impounded pursuant to this ordinance or Chapter 193, Title 20 Vermont Statutes Annotated.
- (i) "Heat" means when a female domestic pet or wolf-hybrid is in estrus.

SECTION TWO LICENSING

Every owner of a dog six months of age or older shall procure a license in accordance with Subchapter 2, Chapter 193, Title 20 Vermont Statutes Annotated. Pursuant to Chapter 193, Title 20 Vermont Statutes Annotated, the Selectboard may, at any time, issue a warrant to the Enforcement Officer, Animal Control Officer or Poundkeeper, directing them to proceed forthwith to destroy in a humane way or cause to be destroyed in a humane way, all dogs within the Town of Swanton not properly licensed or exempt according to this ordinance or Chapter 193, Title 20 Vermont Statutes Annotated, and to enter a complaint against the owners thereof.

SECTION THREE
COLLAR REQUIRED

It shall be the duty of every owner to keep on each dog a collar or harness to which shall be securely fastened a metal license tag and a metal tag with the name and address of the owner whenever such dog is off the premises of the dog's owner. It shall be unlawful for any person other than the Enforcement Officer, Animal Control Officer, a Police Officer, or the owner of a dog to remove the license tag or name and address tag from a dog. The Enforcement Officer or Animal Control Officer shall impound all dogs found without a collar.

SECTION FOUR
DOG IN HEAT

It shall be the duty of every owner of an unspayed female dog to keep such dog confined while it is in heat. The Enforcement Officer or Animal Control Officer shall impound any female dog in heat found at large.

SECTION FIVE
VICIOUS DOGS OR WOLF-HYBRIDS

- (a) When a dog has bitten or viciously attacked a person or a domestic animal while the dog is off the premises of the owner or keeper, such person may file a written complaint with the Selectboard pursuant to Section 3546, Title 20 Vermont Statutes Annotated. The complaint shall contain 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 its investigation.
- (b) The Selectboard, within seven (7) days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, the owner shall be provided with a written notice of the time, date, and place of hearing and the facts of the complaint.
- (c) If the dog is found to have bitten or viciously attacked the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation that the dog be disposed of in a humane way, muzzled, chained, or confined per specific order and direction. The order shall be sent by certified mail, return receipt requested, or shall be served in the same manner as civil

process. A person who, after receiving notice, fails to comply with the terms of the order shall be penalized and assessed not more than \$500.00.

SECTION SIX
DOGS AT LARGE

Any dog **at large** which causes property damage or creates a nuisance or viciously attacks a person or a domestic animal on private or public property may be impounded by the Enforcement Officer or Animal Control Officer upon a signed written complaint by the owner, legal occupant, or supervisor of the property. Please see the definition of "**at large**" in Section One. Please also see Sections Five and Eleven.

SECTION SEVEN
DOG OR WOLF-HYBRID LITTERING

A person who owns, possesses or controls a dog shall not permit the animal to deposit fecal matter on a sidewalk, lawn, floor, wall or stairway of any public or private property. All fecal matter deposited there shall be immediately removed by the owner or person in control of the dog. Violators shall be subject to impoundment of their dog and fines pursuant to Section Ten below.

SECTION EIGHT
BARKING OR HOWLING DOGS

No owner shall keep or harbor a dog which by frequent or habitual barking, howling, or yelping, disturbs the peace or quiet of persons of ordinary sensibility. The Enforcement Officer or Animal Control Officer shall, upon receipt of a signed, written complaint of a person or persons disturbed, issue a written warning, in triplicate to the owner of the dog. One copy of the warning shall be given to the owner(s), one copy shall be retained in the Enforcement Officer's or Animal Control Officer's records, and one copy shall be kept on file in the Town Clerk's Office for a period of a year from the date of issuance of the warning. Upon receiving a second signed, written complaint within twelve months of the original complaint, the dog shall be impounded.

SECTION NINE
POUNDKEEPERS AND IMPOUNDING FEES

The Selectboard may appoint or contract with the Town Constable, Animal Control Officer or other person or persons to act as poundkeeper for the Town. The poundkeeper shall be entitled to a daily fee which will adequately reimburse him or her for the cost of feeding, housing and

otherwise maintaining impounded dog and which in any event shall not exceed that which is generally charged by veterinarians, boarding kennels and others in the area who perform similar services.

SECTION TEN
DISPOSITION OF IMPOUNDED DOGS AND PENALTIES

- (a) The Enforcement Officer or Animal Control Officer shall no later than twenty-four (24) hours after impounding a dog notify the owner of the dog of the impoundment. Notification shall be given by either telephoning the owner or by giving, in person, verbal notification to the owner and by mailing a written notice first class mail, postage prepaid, addressed to the owner at his or her last known address. If verbal notification in person or by telephone cannot be given or if the owner of the dog is unknown, written notice shall be posted on or before 12:00 noon on the next business day following impoundment in the Town Clerk's Office and Swanton Village Clerk's Office describing the dog and the time and the location where it was impounded. The date of notification shall be the date verbal notice is given, the date of mailing written notice, or the date written notice is posted, whichever is later.
- (b) The owner of any dog so impounded may reclaim or redeem such dog or wolf-hybrid upon payment of the license fee, if unpaid, all impoundment fees for the period of time of impoundment, and in addition, the following charges:
- (1) Seventy-Five Dollars (\$75.00) and the cost of the impoundment for the first impoundment;
 - (2) One Hundred and Fifty Dollars (\$150.00) and the cost of the impoundment for the second impoundment;
 - (3) Two Hundred and Twenty-Five Dollars (\$225.00) and the cost of impoundment for the third and subsequent impoundments in any twelve (12) month period.

Any impounded dog not redeemed or reclaimed by its owner within four (4) business days after the date of notification of the impoundment may be humanely destroyed by the Poundkeeper, sold or given for adoption in such a way as not to become a burden to the Town. If the dog is sold, the proceeds received therefrom shall be applied to the costs of impoundment and the above-established charges. The owner shall be liable to the Town for the above charges and cost of impoundment.

- (c) In the event that any dog shall be impounded three (3) times within any twelve (12) month period, or be impounded in violation of Section Six above, the Selectboard may, at their discretion, hold a public hearing on the matter and may order the animal placed for adoption, confined, muzzled, chained or humanely destroyed. The owner of the dog shall receive at least five (5) day's notice of such hearing. Notice shall be deemed to be received upon the Town mailing a written notice of such hearing to the owner by certified mail, postage prepaid. If such a hearing is scheduled, the dog shall remain impounded until the Selectboard holds the hearing and reaches a decision. The owner shall be responsible for all impoundment and postage charges.

SECTION ELEVEN DOGS WHICH HAVE BITTEN PERSON

Until written permission to do otherwise is received from the Town Health Officer and Enforcement Officer, the owner of any dog, at his or her expense, when notified by the Enforcement Officer or Animal Control Officer that such dog has bitten any person, shall have such dog immediately confined or impounded. No owner shall, without written permission of the Health Officer and Enforcement Officer or Animal Control Officer, allow to run at large, sell, give away or transport or cause to be transported any such dog so confined or impounded beyond the limits of the Town except under the care of a licensed veterinarian. Any person who violates this section shall be penalized and assessed not more than \$500.00.

SECTION TWELVE RECORDS

The Enforcement Officer or Animal Control Officer shall make a complete record of each dog impounded and/or issued a warning against. The record shall show the date, the breed, type of dog, color, sex and whether or not licensed. If licensed, he shall enter the name and address of the owner and license tag number.

Additionally, the Enforcement Officer or Animal Control Officer shall record the date of verbal or written notification of impoundment and to whom notification was given and shall keep copies of all written or posted notifications.

SECTION THIRTEEN
ORDINANCE VIOLATION

At the discretion of the Selectboard, in addition to any of the penalties set forth herein, or in lieu of impounding a dog under this ordinance, the Enforcement Officer or Animal Control Officer may issue to the known owner of such dog a notice of ordinance violation. Such notice shall be delivered in hand to the owner or shall be mailed to him or her by certified mail, return receipt. Notice shall be deemed to be received when the notice is deposited in the U.S. Mail. Such notice shall impose upon the owner a penalty or assessment in the amount of One Hundred Dollars (\$100.00) for each violation, which shall be paid to the Town of Swanton at the Town Clerk's Office within three (3) business days after receipt of notice of ordinance violation. Notwithstanding anything herein to the contrary, if any violation continues, each day's violation shall be deemed to be a separate violation. If this penalty or assessment is not paid, then it may be collected as set forth in Section Fourteen below.

SECTION FOURTEEN
COLLECTION

The Town may, at its discretion, seek collection of any penalties, assessments, charges or amounts due under the ordinance by bringing a civil action in County or Small Claims Court against the owner of any dog which has been impounded under this ordinance. All costs of collection, including a reasonable attorney's fees shall be added to the amounts due under this section if such action is necessary. Additionally, all amounts for charges due under the ordinance and not paid as set forth herein shall accrue interest at the rate of one and one-half percent (1½%) per month for each month or portion thereof during which the charge or amount remains unpaid from the date when the charges first became due and payable.

SECTION FIFTEEN
ENFORCEMENT

(a) A violation of this ordinance shall cause an Enforcement Officer or Animal Control Officer to serve a notice of violation or other order on the animal owner. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(b) Where a person fails to remedy a violation to the satisfaction of an Enforcement Officer or Animal Control Officer, the Enforcement Officer or Animal Control Officer may bring appropriate action to enforce the provisions of the ordinance. Enforcement may be by any means allowed under state law including, but not limited to:

(1) An Enforcement Officer or Animal Control Officer may issue, or direct to have issued, a Municipal Complaint and pursue enforcement before the Judicial Bureau in accordance with the provisions of 24 V.S.A. § 1974 and § 1977 with penalties as prescribed in this ordinance.

(2) An Enforcement Officer or Animal Control Officer may notify the Town Attorney of the violation, who can take action in Superior Court seeking injunctive relief with penalties as prescribed by law.

(c) Each day that a violation continues after the initial notice shall constitute a separate offense.

(d) All fines imposed and collected shall be paid to the "Town of Swanton."

(e) Section Fifteen does not preclude the Town from recourse under Section Fourteen above.

This amended Ordinance was passed by the Selectboard of the Town of Swanton on the 21st day of August, A.D. 2018.

TOWN OF SWANTON SELECTBOARD:



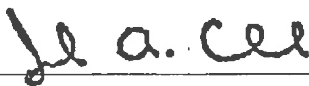
JAMES GUILMETTE, CHAIRMAN



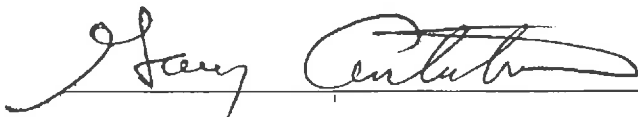
DANIEL E. BILLADO, VICE CHAIRMAN



L. JOHN LAVOIE, SELECTMAN

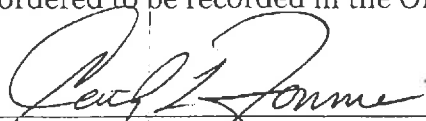


JOEL CLARK, SELECTMAN

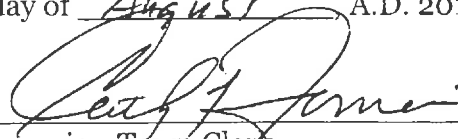


GARY CENTABAR, SELECTMAN

ADOPTED by the Selectboard in regular meeting this 21st day of August, A.D. 2018 and ordered to be recorded in the Office of the Town Clerk.

ATTEST 
CATHY L. FOURNIER, TOWN CLERK

I hereby certify that the foregoing ordinance was posted in five (5) public places in the Town of Swanton on the 27th day of August, A.D. 2018, to wit: Town Clerk's Office, Zoning & Planning Office, Swanton Village Complex, Swanton Highway Garage, and Swanton Public Library; and was published in the *St. Albans Messenger*, a newspaper having general circulation in the Town of Swanton on the 27th day of August, A.D. 2018, and was recorded in the Ordinance Records of the Town of Swanton on the 29 day of August A.D. 2018.

ATTEST: 
Cathy L. Fournier, Town Clerk