

TOWN OF GRAND ISLE
ANIMAL CONTROL ORDINANCE

SECTION 1. AUTHORITY. This Animal Control Ordinance (the “Ordinance”) is adopted by the Selectboard of the Town of Grand Isle under the authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291(10), (14) and (15), and Chapter 59 of Title 24, and shall supersede and replace all other ordinances of the Town with respect to the herein contained subject matter.

This Ordinance is a civil ordinance and shall be enforced by the Enforcement Officer in the Vermont Judicial Bureau in accordance with 24 V.S.A. § 1974a *et seq.*

SECTION 2. DEFINITIONS. As used in this Ordinance, unless the context clearly indicates otherwise, the following words or phrases shall have the following meanings:

- A. “Dog” means any member of the canine species and shall also include “wolf-hybrids” and “working farm dogs” as those terms are defined in 20 V.S.A. §§ 3541(8) and (9), except where specifically exempted.
- B. “Enforcement Officer” means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person appointed by the Selectboard from time to time to enforce or execute the provisions of this Ordinance.
- C. “In heat” means when a female domestic pet or wolf-hybrid is in estrus.
- D. “Owner” means any person who owns a dog, including any person who has actual or constructive possession of a dog. The term shall also include those persons who provide food or shelter to a dog.
- E. “Running at large” means a dog that is not:
 - (1) on a leash;
 - (2) in a vehicle;
 - (3) on the owner’s premises;
 - (4) on the premises of another person with that person’s permission;
 - (5) clearly under the verbal or non-verbal control of the owner; or
 - (6) hunting with the owner.
- F. “Working farm dog” means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to 20 V.S.A. § 3581(a).

SECTION 3. NUISANCES. An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following shall be deemed nuisances and a violation of this Ordinance, with each violation being a separate offense:

- A. Running at large.

- B. A dog that harasses or attacks another dog, other animals or people, unless such other dog, animals or people are trespassing on the private property of the owner.
- C. A female dog in heat that is not confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. A dog that disturbs the peace or quiet of others by frequent, habitual or persistent barking, howling, whining or crying.
- E. A dog that damages the property of a person or persons other than its owner, including, but not limited to, turning over garbage containers or damaging flowers or gardens.
- F. A dog that defecates in any public area or on private property of another person and whose owner does not immediately remove the fecal matter and dispose of it in a sanitary manner.

The provisions of this Section 3 pertaining to running at large and disturbing the peace and quiet of others shall not apply to working farm dogs if the working farm dog is (1) barking in order to herd or protect livestock or poultry or to protect crops; or (2) running at large in order to herd or protect livestock or poultry or to protect crops.

SECTION 4. ENFORCEMENT. Violations of this Ordinance may be enforced through the imposition of civil penalties, impoundment, and such protective orders of the Selectboard as it deems necessary for the protection of public health, safety and welfare:

- A. Protective Orders. The Selectboard may, at the request of the Enforcement Officer, or in its own discretion, hold a hearing after which it may make such protective order as it deems the facts and circumstances of the violation requires. Such protective order may include, but shall not be limited to, confinement in a secure enclosure or other similar restriction, muzzling, or destruction in a humane manner, and shall be issued in lieu of or in conjunction with the imposition of civil penalties and impoundment.

If the owner of the dog can be ascertained with reasonable due diligence, said owner shall be provided with a written notice of the time, date and place of hearing, and the facts of the alleged violation or violations. The protective order shall be sent by certified mail, return receipt requested to the owner of the dog if known. Failure to comply with the terms of a protective order shall be a violation of this Ordinance, with each day constituting a separate violation.

- B. Penalties. Violations of this Ordinance shall constitute a civil ordinance violation and may be punishable by the following penalties:

- (1) First offense: A first offense of any provision of this Ordinance shall be punishable by a fine of no less than one hundred dollars (\$100.00) and no more than one hundred

fifty dollars (\$150.00). The waiver fine for a first offense shall be fifty dollars (\$50.00).

- (2) Second offense: A second offense of any provision of this Ordinance shall be punishable by a fine of no less than one hundred fifty dollars (\$150.00) and no more than two hundred fifty dollars (\$250.00). The waiver fine for a second offense shall be one hundred fifty dollars (\$150.00).
- (3) Third offense and subsequent offenses: A third or subsequent offense of any provision of this Ordinance shall be two hundred fifty dollars (\$250.00) and no more than five hundred dollars (\$500.00). The waiver fine shall be two hundred fifty dollars (\$250.00).

C. Impoundment. Dogs in violation of any provision of this Ordinance may be taken by the Enforcement Officer and impounded. The Enforcement Officer who impounds a dog shall, within twenty-four (24) hours, make every reasonable attempt to give notice to the owner thereof, either personally, by telephone, or by written/electronic notice to the owner's last known address. Such notice shall inform the owner of the nature of the violation(s), the location of the dog and the steps that are necessary to have the animal returned to the owner.

- (1) Confinement in lieu of impoundment: The Enforcement Officer may, in lieu of impoundment and when in the public interest and consistent with public safety, allow an impounded dog to remain confined in the custody of its owner on the condition that that the dog shall (a) remain confined to the owner's property, (b) follow the terms of impoundment set by the Enforcement Officer, and (c) shall not be in violation of any provision of this Ordinance. Confinement in lieu of impoundment shall continue until such time as the violation or condition authorizing impoundment has been abated.
- (2) Impoundment fees: Any dog impounded under the provisions of this Ordinance shall be released only on payment of a fifty dollar (\$50.00) impoundment fee. A dog impounded a second time in any twelve month period shall be released only upon payment of a one hundred dollar (\$100.00) impoundment fee. A dog impounded three or more times in any twelve month period shall be released only upon payment of a two hundred fifty dollar (\$250.00) impoundment fee. An additional impound fee of twenty dollars (\$20.00) shall be paid for impounded dogs released on the weekend.
- (3) Boarding fees: In addition to the impoundment fee charged herein there shall be an additional boarding charge of ten dollars (\$10.00) per day for each day the dog is impounded.

- (4) Veterinary costs: An additional charge shall be due from the owner of any impounded dog if parasite testing is required. The owner of an impounded dog shall also be responsible for paying any necessary emergency veterinary treatment that is provided during impoundment.
- (5) Payment of impoundment and boarding costs and fees: All pound and board fees shall be paid to the Office of the Town Clerk before an impounded dog is released.
- (6) Unlicensed dogs to be licensed: If an impounded dog is unlicensed, in addition to the other fees and costs set forth herein, the dog shall not be released without the payment of all applicable license fees required by law, except that if the impounded dog has not had its required vaccinations a fifty dollar (\$50.00) cash deposit shall be posted with the Town Clerk or his or her designated agent(s) until proof of required vaccinations is presented and all applicable license fees are paid. A dog released under cash deposit shall be properly vaccinated within two (2) working days after its release. If the dog is not properly vaccinated within the time period set forth herein, the cash deposit shall be forfeited and the owner of the animal shall be subject to additional penalties under the provisions of 20 V.S.A. Chapter 193.
- (7) Unredeemed dogs: If any impounded dog is not redeemed within (10) calendar days of its impoundment, it may be sold or given away. Any proceeds from the sale of any impounded dog shall first be allocated to the fees, costs and other charges related to the impoundment. Any balance then remaining shall be paid to the owner if the owner is found. If proceeds from the sale of the unredeemed dog do not cover the costs associated with the impoundment, the balance of sums owed under this Section 4 may be collected in a civil action brought under this section. If any unredeemed dog is not sold or cannot reasonably be given away because of disease, temperament or other cause, it shall be destroyed in a humane way. The impoundment period may be waived in the case of a severely injured animal whose owner cannot be located or is unwilling to claim the animal.

D. Collection. The Selectboard may, at its discretion, seek collection of any penalties, assessments, charges or amounts due under this Ordinance by bringing a civil action in Small Claims Court against the owner of dog which has been impounded or was the subject of a monetary fine hereunder. Additionally, all amounts for charges due under the ordinance and not paid as set forth herein shall accrue interest at a rate of one percent (1.0%) 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 5. INVESTIGATION OF VICIOUS DOGS. When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a

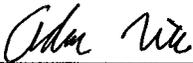
written complaint with the Selectboard. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation required by 20 V.S.A. § 3546. Upon receipt of such written complaint, the Selectboard shall follow the procedures provided for in 20 V.S.A. §§ 3546(b) through (d).

SECTION 6. OTHER LAWS. This Ordinance shall apply in addition to all other ordinances of the Town of Grand Ilse and all applicable laws of the State of Vermont.

SECTION 7. SEVERABILITY. If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

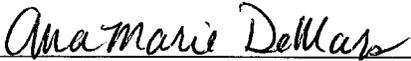
ADOPTED this 20th day of March 2017.



Adam White, Chair



William Baron



Anna Marie Demars



Diane Cota



Jeff Patizo

Adoption History

1. Agenda item at regular Selectboard meeting held on March 20, 2017
2. Read and approved at regular Selectboard meeting on March 20, 2017 and entered in the minutes of that meeting which were approved on _____.
3. Posted in ⁵public places on March 28, 2017 (A+B, P.O., Town office, Transfer station, Grand Isle School)
4. Notice of adoption published in the Islander newspaper on March 28, 2017 with a notice of the right to petition.
5. Other actions, including petitions pursuant to 24 V.S.A. § 1973: _____.