

PUBLIC NOTICE

Pursuant to 24 VSA s 1973, the Fayston Board of Selectmen at a regular meeting September 09, 1991, upon duly made and seconded, unanimously adopted the following revisions to the Fayston Dog Ordinance pertaining to the keeping of dogs and their running at large:

FAYSTON DOG ORDINANCE

CONTROL OF DOGS

Section 1. Definitions:

"Dog" shall include both male and female.

"Officer" shall mean any constable or police officer of the Town or person appointed dog officer by the Selectmen

"Owner" shall mean any person or persons, association or corporation, owning keeping or harboring a dog.

"At large" shall mean off the premises of the owner, and not under the immediate control of the owner or other person or controlled by lease, cord, chain, or otherwise.

"Town Pound" shall mean a pound designated by Selectmen whether or not operated by the Town or whether or not within the Town limits.

"License" shall mean duly licensed with the Town Clerk, on or before April 1.

"Vicious dog" shall mean:

1. Any dog with known propensity, tendency or disposition to attack unprovoked, or cause injury to or otherwise threaten the safety of human beings or domestic animals; or

2. Any dog which, without provocation attacks or bites or snaps at or tears the clothes in attempt to bite any person upon the streets or public way or other public places or who has been found to have been attacking human beings, domestic animals or deer.

Section 2. License Required:

Any person who owns, harbors or keeps a dog within the Town of Fayston, which is more than six (6) months old shall cause it to be registered, numbered, described and licensed with the office of the Town Clerk in accordance with the provisions of Title 20, Chapter 193 of the Vermont Statutes Annotated, as amended.

Section 3. Collar Required:

Any person who owns, harbors or keeps a dog within the Town limits shall keep on such dog whenever such dog shall be off the premises of the licensed owner a collar or harness and fastened securely to the collar or harness and keep attached 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 tag from a dog.

Section 4. Failure to License:

A person who keeps a dog contrary to license provisions of his ordinance shall be guilty of a misdemeanor. All unlicensed dogs found within the limits of the Town may be disposed of pursuant to Section 10 of this ordinance.

Section 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 off premises of such owner, or on the premises of such owner in such a manner as to cause injury or damage to the person or property of another, or so as to cause disturbance or annoyance to another. Every person owning or having a dog shall confine it to his or her premises when not on a leash or under the immediate control of a competent and responsible attendant.

Section 6. Barking Prohibited:

It shall be unlawful for any person owning or processing a dog to permit it to disturb the quiet of any person by reasonable barking or howling.

Section 7. Impounding Authorized:

It shall be the duty of every officer to apprehend the dog of any owner in violation of sections 4,5 or 6 of this ordinance and the impound such dog in the Town Pound. Upon impounding such dog, the impounding officer shall make a complete record of the breed, color and sex of such dog, where it was caught and whether it was licensed, and the number of the license tag, if any. The record of the impounding officer shall be filed with the Selectmen.

Section 8. Property Owner may Impound:

Any person finding any dog upon his property to his injury or annoyance may hold the dog in his possession and as soon as possible notify an officer or selectman of custody, giving a description of the dog and the name of the owner, if known.

Section 9. Officer to Take Possession:

Upon receiving notice of impoundment under Section 8 of this ordinance, the officer shall respond as soon as possible, take possession of the dog and remove it to the Town pound.

Section 10. Notice, Disposition if Impounding Dogs:

Upon any dog being impounded, the officer shall notify the owner, possessor person who harbors or keeps the dog, if known, and if not known, shall post at the town Clerk's Office a notice containing a description of the dog and when and where caught. If no owner or person entitled to or claiming possession of any such dog shall claim the dog within seven (7) full days after such notice, the officer or ant person duly authorized by the selectmen, may at the expiration of seven (7) days from the date of the receipt or posting of the notice provided for in this Section, give away or dispose of in a humane manner any such dog nor redeemed or claimed by any person, taking a receipt therefor from the recipient thereof. Day used in this section shall mean business days.

Section 11. Redemption of Impounding Dogs; Fees; Waiver:

a. The owner or person entitled to possession of any dog impounded for having been found in violation of Sections 4, 5 or 6 of this ordinance may reclaim such dog upon payment of all fees, costs and charges incurred by the Town for impounding and maintaining dog.

b. The following fees shall be paid to the dog pound upon presentation to the pound keeper of assigned receipt from the Fayston Town Clerk demonstrating payment:

1. The license fee and any applicable penalties, if the dog was unlicensed.

2. All reasonable costs in subsection (a) of this section.

3. (a) First offense \$25.00
(b) Second offense \$50.00
(c) Third and more offenses \$100.00

4. All fees collected under subsection 3 of this Section shall be paid to within (30) days by the Town Clerk to the police officer or authorized person who apprehended and impounded the dog.

5. Any person Found in violation of Sections 4,5 or 6 of this ordinance shall be guilty of a misdemeanor and prosecuted. However, in lieu of prosecution, any person may voluntarily sign a waiver and pay the fine directly to the Fayston Town Clerk.

Section 12. Vicious Dogs

(a) If any dog bites, snaps at or tears the clothes in an attempt to bite any person or if any dog had been found to have been attacking domestic animals or deer and that fact shall be proven to the Selectmen that dog may be deemed and declared by the Selectmen to be a vicious animal.

(b) The owner of a vicious dog shall not permit the dog to run at large or to go unconfined. "Unconfined" shall mean a dog which is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(c) If any vicious, dangerous, fierce or rabies infected dog running at large cannot be safely caught and impounded, such dog may be slain by any officer. It shall be unlawful for the owner, possessor or person harboring any dog, when notified by the dog officer or if in receipt of actual notice by other means, that such dog has bitten any person, to sell or give away such dog, or to permit it to be taken beyond the limits of the Town except with the permission of the Selectmen or under the care of a licensed veterinarian.

Section 13. Hearing on Violations

For any violation of this ordinance the Board of Selectmen shall hold a hearing and upon a finding of any violation may order the dog restrained, muzzled or destroyed.

Section 14. Vicious Dogs; Penalties

Any person who violates any of the provisions of Section 12 of this Ordinance may be fined not less than Twenty-Five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars together with the cost of prosecution for each offense. In the event of a continuing violation, each day shall constitute a separate offense.

Section 15. Provisions Additional to State Law

This Article is to be in addition to those remedies provided municipalities in Title 20 of the Vermont Statues Annotated.

Section 16. Severability

If any Section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any Court, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 17. Effective Date

This ordinance shall take effect on November 9, 1991.

The Selectmen ordered that said Ordinance be posted in at least five (5) conspicuous places within the municipality within fourteen (14) days of said 09th day of September 1991, and that the Ordinance be published within fourteen (14) days of said 09th day of September 1991, in the Valley Reporter newspaper, published in Waitsfield, Vermont.

Said Ordinance shall be come effective sixty (60) days from said 09th day of September 1991, unless a Permissive Referendum is called for in accordance with 24 V.S.A., Sec. 1973.

The revised Dog Ordinance may be reviewed by the public at the Town Clerk's Office on the North Fayston Road on Mondays, Tuesdays, Thursdays and Fridays between 9:00 A.M. and 3:00 P.M. Contact Town Clerk at 496-2454 for any question about revisions.