

FAYSTON DOG ORDINANCE

Effective 11/9/1991

Amended 11/26/2019

Effective 1/26/2020

CONTROL OF DOGS:

Section 1. Definitions

“Dog” shall include both male and female.

“Officer” shall mean any constable, police officer, or person appointed animal control officer by the Selectboard.

“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, by leash, of the owner or other person

“Town Pound” shall mean any pound designated by the Selectboard 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 of each year.

“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 cloths in attempting 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 of Fayston shall keep a collar or harness on such dog, with a license tag issued by the Town securely fastened, whenever such dog shall be off the premises of the licensed owner. It shall be unlawful for any person other than the owner or his agent or officer to remove a license tag from the dog.

Section 4. Failure to License

A person who keeps a dog contrary to the license provisions of this ordinance shall be guilty of a misdemeanor. All unlicensed dogs found within the Town limits 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 the premises of the owner, or on the premises of the owner in such a manner as to cause injury or damage to the person or property of another, or 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 leash.

Section 6. Barking Prohibited

It shall be unlawful for any person owning or possessing a dog to permit it to disturb the quiet of any person by unreasonable 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 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 the dog, where it was caught, whether it was licensed, and the number of the license tag, if any. The record of the impounding officer shall be filed with the Selectboard.

Section 8. Property Owner May Impound

Any person finding any dog upon his property causing injury or annoyance, may hold the dog in his/her possession, and notify the officer or Selectboard as soon as possible 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 move it to the Town pound.

Section 10: Notice, Disposition of Impounding Dogs

Upon any dog impounded, the officer shall notify the owner, possessor, person who harbors or keeps the dog, if known. If not known the officer shall post a notice at the Town Clerk's Office, containing a description of the dog and when and where it was 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 notice, the officer or any person duly authorized by the Selectboard, may at the expiration of seven (7) days from the date of receipt of posting of the notice provided in this Section, give away or dispose of in a humane manner, any such dog not redeemed or claimed by any person. Taking a receipt therefore from the recipient thereof. "Day" used in this section shall mean business days.

Section 11: Redemption of Impounded 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 the dog.
- b. The following fees shall be paid to the dog pound upon presentation to the pound keeper of a signed receipt from the Fayston Town Clerk demonstrating payment of:
 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 or more offenses \$100.00.

4. All fees collected under subsection 3 of this Section shall be paid to the Town Clerk, within thirty (30) days by 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 any 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 Selectboard, that dog may be deemed and declared by the Selectboard a vicious animal.
- (b) The owner of a vicious dog shall not permit the dog to run at large or 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 Selectboard, or under the care of a license veterinarian.

Section 13: Hearing on Violations

For any violation of this ordinance, the Selectboard 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 provide municipalities in Tile 20 of the Vermont Statues Annotated.

Section 16: Severability

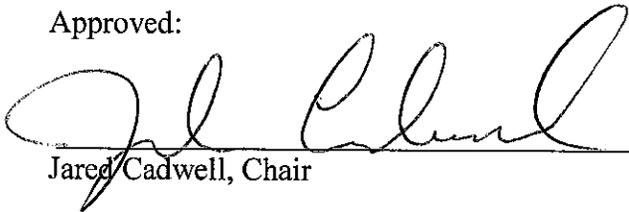
If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any Court, such decision shall not affect the validly of the remaining portions of this Ordinance.

Section 17: Effective Date

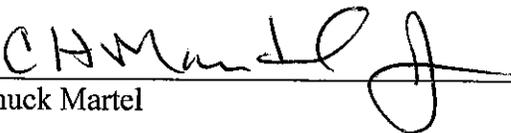
This ordinance took effect 11/9/1991 after the Selectboard had ordered it posted in five (5) places within the municipality within fourteen (14) days of September 9, 1991 as well publishing in the Valley Report. It became effective sixty (60) days from 9/9/1991.

The Selectboard reviewed, amended and approved those amendments at its Selectboard meeting on 11/26/19.

Approved:



Jared Cadwell, Chair



Chuck Martel

Michael Jordan