

TOWN OF ROXBURY DOG CONTROL ORDINANCE

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Roxbury under authority of 20 V.S.A, 3549, 24 V.S.A 2291 (10) and 2291 (14 & 15) and 24 V.S.A. Chapter 59

SECTION 2. PURPOSE. It is the purpose of this ordinance to regulate the keeping of dogs, to protect public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply.

- A. **“Dog”** means any member of the canine species, including the progeny of a dog and a wolf (wolf hybrid) and/or an animal represented to be a wolf hybrid;
- B. **“Owner”** means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter for a dog;
- C. **“Running at Large”** means that a dog is not:
 - 1. on a leash;
 - 2. in a vehicle;
 - 3. on the owner's property;
 - 4. on the property 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.
- D. **“Vicious Dog”** means a dog that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal as defined in 20 V.S.A. 3541.

SECTION 4. DISTURBANCES AND NUISANCES

- A. No dog shall run at large in the town.
- B. No dog shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog.
- C. A female dog in heat shall be confined to a building or other secure enclosure, except while under direct control of the owner.

- D. No person shall own, keep or harbor a dog that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

SECTION 5. COLLAR AND LICENSE

- A. Each dog shall be licensed according to the laws of this state and shall wear a collar or harness with the current license attached.
- B. The owner of a dog that is found running at large without a collar or harness and license shall be notified of the town's dog ordinance and state statute regarding licensing. If the owner is unknown, the dog shall be taken by the constable or animal control officer to the town's designated poundkeeper or the Central Vermont Humane Society.

SECTION 6. HUMANE CARE OF DOGS. All dogs shall be furnished with clean and safe facilities, water and shelter sufficient to protect the animal and the public health. Any dog determined by a constable or animal control officer to be without such clean and safe facilities may be impounded.

SECTION 7. ENFORCEMENT. This is a civil ordinance and shall be enforced by a constable or animal control officer in the Vermont Judicial Bureau in accordance with 24 V.S.A. 1974a et seq.

SECTION 8. IMPOUNDMENT

- A. Any dog that is determined by a constable or animal control officer to be a vicious dog which presents an imminent danger to people or other animals shall be immediately impounded.
- B. Any dog that is apprehended for a 2nd violation of any violation of this ordinance shall be impounded.

SECTION 9. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT

- A. The officer who impounds a dog shall, within 24 hours, give notice to the owner thereof, either personally or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.
- B. If an impounded dog has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. Sec. 3806.
- C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees. If the dog has not been vaccinated against rabies or licensed in the Town of Roxbury, the dog shall be vaccinated and licensed prior to release to the owner. The owner shall incur all expenses for vaccination and licensing. The owner shall

demonstrate a plan of compliance to prevent further violations of this ordinance and state law.

SECTION 10. PENALTIES AND COSTS

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| A. First offense | Written warning |
| B. Second offense | Impoundment and impoundment cost, plus a \$25.00 penalty |
| C. Subsequent offenses | Impoundment and impoundment costs plus a \$50.00 penalty |
| D. Impoundment costs shall be determined by the pound keeper | |

SECTION 11. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Roxbury and all applicable laws of the State of Vermont.

SECTION 12. 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 13. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Roxbury Selectboard. If a petition is filed under 24 V.S.A. Sec. 1973, that statute shall govern the taking effect of this ordinance.

Thomas L. Frazier, Chair
Sally A. O'Neil
Susan M. D'Amico

August 15, 2005