

Town of Stratton

Dog Ordinance

The Select Board of the Town of Stratton hereby adopts the following Animal Control Ordinance, pursuant to the provisions of 20 VSA §§ 3549, 24 VSA § 1977 et. seq., as amended, and such other general enactments as may be material thereto. This ordinance is hereby designated a civil ordinance.

Section I: Definitions

Dog: Any animal of the canine species, including wolf-hybrids.

Designated Municipal Officials: The Stratton Town Constables, Dog Warden(s) or Officers of the Windham County Sheriff's Department or Officers of any law enforcement agency hired by the Town of Stratton shall be considered Designated Municipal Officials for the purpose of this ordinance.

Nuisance Dog: A dog shall be designated a "Nuisance Dog" under the following circumstances:

- 1) Any dog which pursues or chases pedestrians, or which attacks other dogs, or domestic animals, or which chases or pursues deer may be designated a "Nuisance Dog" in this instance if the offense is substantiated by a verbal complaint to, or if witnessed by, a Designated Municipal Official.
- 2) Any dog that does injury, or damage to any lawn, shrubbery, flowers, grounds or property, if:
 - (a) the violation in this instance is discovered after the fact, then a designation of "Nuisance Dog" must be determined by a Designated Municipal Official upon receipt of a written and signed complaint from the property owner.
 - (b) the violation is in progress, the "Nuisance Dog" may be so deemed by a witnessing Designated Municipal Official, only if the violation is accompanied by a verbal complaint of the property owner.
- 3) Any dog that is allowed to run loose in ski areas, or ski trails may be deemed a "Nuisance Dog" by a witnessing Designated Municipal Official or by said official upon receipt of written and signed complaints from at least three separate witnesses.
- 4) Any dog which habitually barks or cries between the hours of 10:00PM and 6:00AM; or which by frequent barking disturbs the peace and quiet of the neighborhood may be deemed a "Nuisance Dog" by a Designated Municipal Official if the offense is substantiated by at least one written and signed complaint for each of at least three separate occasions.
- 5) Any dog which habitually chases vehicles may be deemed a "Nuisance Dog" by a Designated Municipal Official if the offense is substantiated by at least one written and signed complaint for each of at least three separate occasions.

Owner: Any person or group, who owns, harbors, keeps a dog or permits a dog to habitually remain on their premises.

Section II Licensing of Dogs: All dogs in the Town of Stratton must, in accordance with 20 VSA §§ 3582, and 3588 through 3591, be licensed by April 1 of each year or as soon as the dog is six months of age or, if the dog was acquired after April 1, within 30 days of date acquired. Between the period April 1 through May 30 of said year, or for a period of two months after the given licensing deadline has expired, the Town Clerk’s Office shall notify owners of this “unlicensed” status at least twice by certified mail. Any dog owner in the Town of Stratton, whose dog does not have a current license after May 30 of each year (or after the 60 day period of the licensing deadline, if applicable) the said owner will be subject to penalties as set forth in **Section III – Enforcement**. Additionally, the owner(s) shall be notified that the unlicensed dog may be destroyed (see 20 VSA §§ 3590 and 3621 through 3625).

Section III: Enforcement

(a) **Issuing Official:** It shall be the duty of the Designated Municipal Official, defined herein, to receive and cause to be investigated complaints against dogs. When any dog complained against shall be deemed by a Designated Municipal Official to be **an unlicensed dog** as established in **Section II**, or a **nuisance dog**, as defined in **Section I**, the Designated Municipal Official shall pursue the complaint as a civil matter, enforced in accordance with 24 VSA §§ 1974a and 1977 et seq..

Additionally, the issuing official shall inform the owner of **an unlicensed dog** as established in **Section II**, that said owner must promptly apply for a license, in accordance with 20 VSA §§ 3582, and 3588 through 3591.

(b) **Penalties:**

- 1) **Section II (only)** – not to exceed \$500.00 / Waiver fee \$200.00.
- 2) **Nuisance Dog (Section III (a))**. The abatement of such nuisance as the facts and circumstances of the case may require, include, without limitation, that the animal may be disposed of in a humane way, muzzled, chained, or confined, and the owner or keeper of such animal may be assessed damages and/or a fine not to exceed \$500.00 (with a waiver fee of \$100.00 for the first offense only).
- 3) **Waiver fees** may be paid in lieu of a court appearance if applicable.

(c) The Issuing Official, as defined herein, shall be the appearing official.

(d) The custodial official of the town’s ticket books shall be the Clerk of the Windham County Sheriff’s Department.

Section IV: If a complaint is received on a dog that comes within the jurisdiction of Title 20 VSA § 3546, as amended, (**Investigation of vicious domestic pets or wolf-hybrids**) the owner of said animal will be proceeded against as provided in that Section and will be subject to the terms of said Section and the penalties therein provided.

Section V Impoundment of Dogs (20 VSA 3806):

- (a) All dogs found in violation of **Section II** or a dog that has been deemed a nuisance dog per **Section III (a)** may be impounded at the Town’s designated pound at the discretion of the issuing officer. The owner(s) will be liable for all pound fees.
- (b) Any dog which has bitten a person (see **Section IV**) **MUST** be confined by a Veterinarian’s office for the required ten (10) day period of observation. The owner(s) will be liable for all Veterinarian fees during this time.
- (c) Impounded dogs not claimed by their owner(s) within five (5) days of 1) the initial impoundment or 2) following the observation period of Section V (b) may be sold, given away or euthanized, according to 20 VSA § 3807.

Section VI: General Provisions

- (a) **Severability:** The provisions of this ordinance are declared severable and if any provision thereof be adjudged invalid such judgment shall not affect the validity of any other provision.
- (b) **Designation:** This ordinance may be referred to as the Stratton Dog Ordinance and in prosecution hereunder a copy of such ordinance, certified by the Stratton Town Clerk to be a lawfully adopted and existing ordinance of the Town of Stratton, shall be prima facie evidence thereof.
- (c) **Repeal of Prior Ordinances:** Any other dog ordinance or regulation heretofore adopted by the Town of Stratton is hereby repealed.
- (d) **Amendment:** All amendments to this ordinance shall be made in accordance with 24 VSA § 59.
- (e) **Publication and Posting:** This ordinance shall be: 1) entered into the Selectmen's minutes; 2) posted appropriately within the Town of Stratton and 3) a concise summary of it published in the Brattleboro Reformer not more than fourteen days following the adoption of the ordinance.
- (f) **Effective Date of Ordinance:** The adopted date of the ordinance shall be listed below. The effective date of this ordinance, listed below, shall be 60 days after date of adoption unless a petition is filed as provided by law.

Citizens have a right to petition for a vote on this ordinance at an annual or special town meeting as provided in 24 VSA § 1973.

Signed and dated by the Board of Selectmen of the Town of Stratton, Vermont on this 11th Day of November, 2002.

Selectmen of the Town of Stratton

Albert J. Dupell
Albert J. Dupell

Lawrence Bills
Lawrence Bills

Earl Pickering
Earl Pickering

Chris Liller
Chris Liller

Greg Marcucci
Greg Marcucci

Adopted: November 11, 2002

Effective: January 10, 2003

David Kent Young
Town Clerk