

Town of Hinesburg

Animal Control Ordinance

The Selectboard of the Town of Hinesburg, in the County of Chittenden, State of Vermont, acting under the authority of 20VSA§3549, et seq. And 24VSA§1971, et seq., hereby adopt this ordinance regulating domesticated animals in the Town of Hinesburg. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24VSA§1974a and 24§1977 et seq.

Article 1

Purpose

- 1.1 This ordinance is adopted to protect the health, safety and welfare of the citizens of the Town of Hinesburg.

Article 2

Definitions

- 2.1 **At Large** shall mean off the premises of the owner, and not in the presence of and under the control of the owner, a member of the owner's immediate family, or an agent of the owner. "Under control of such person," means that at all times, the animal is prevented from causing injury, damage, disturbance, nuisance and annoyance;
- 2.2 **Dog** shall include male and female canine species as well as Wolf Hybrids which are the progeny or descendants of a dog (*canis familiaris*) and a wolf (*canis lupus* or *canis rufus*). These dogs shall include animals kept as pets, show dogs, or for breeding purposes;
- 2.3 **Domesticated Animal** shall mean any animal that is owned which provides companionship, recreation, income or otherwise not regulated by the State of Vermont Department of Fish and Wildlife;
- 2.4 **Enforcement Officer** shall mean any Animal Control Officer, Constable, Town Health Officer, Police Officer, Sheriff, Deputy Sheriff, State Police Officer, Game Warden, Humane Officer or any person appointed Enforcement Officer by the Selectboard to enforce the provisions of this ordinance. A person appointed as an Enforcement Officer by the Selectboard may be a private contractor or resident of another town. The Animal Control Officer may temporarily authorize an Animal Control Officer from other municipalities to enforce this ordinance;
- 2.5 **Municipal Pound** shall mean any kennel, pound, or other facility for holding or housing animals, which is designated by the Selectboard, and regardless of whether such facility is operated by the Town or within the Town limits.
- 2.6 **Secretary** shall mean the Secretary of the Department of Agriculture, Food and Markets, and includes his or her designee;
- 2.7 **Selectboard** shall mean the legislative body of the Town of Hinesburg as it may appear from time to time;
- 2.8 **Vicious Animal** shall mean any domesticated animal which, while off the premises of the owner or keeper, causes bodily harm or immediate fear of bodily harm by attacking or threatening to attack a person, another domestic animal, or a wild animal.

Article 3

Running At Large

- 3.1 No owner, keeper or other person shall permit a dog owned by them or under their keeping or control, to run at large.
- 3.2 An owner, keeper or other person who permits a dog to run at large as defined herein shall be subject to such civil penalties or other enforcement remedies as are hereinafter provided and as are otherwise provided by law.

Article 4 Disturbances and Nuisances

- 4.1 An owner, keeper or other person shall not permit a domesticated animal to commit a disturbance or nuisance as hereinafter defined:
1. frequent or long-continued noise, barking, or howling which disturbs the comfort of persons in the vicinity;
 2. cause damage to personal property;
 3. scatter refuse;
 4. harass pedestrians, bicyclists, motor vehicles, or other passersby;
 5. attack persons or other animals;
 6. obstruct traffic;
 7. cause any person to reasonably fear a bodily injury or sustain a bodily injury by attacking or threatening to attack any person other than persons who are in the act of trespassing upon private property of the owner or keeper of the domestic animal;
 8. otherwise be a nuisance or create a disturbance.
- 4.2 A female domesticated animal in heat shall be kept in a building or secure enclosure or under the direct control of the owner. A violation of this provision shall be considered a nuisance.
- 4.3 Owners, keepers or other persons who permit a domesticated animal to create a disturbance or nuisance as defined herein shall be subject to civil penalties and such other enforcement remedies as are hereinafter provided and as are otherwise provided by law.
- 4.4 No owner or keeper of a domesticated animal shall permit the domesticated animal to defecate on any public school ground, public sidewalk, public roadway, public park or any privately owned property of another person without such person's consent unless said defecation is removed immediately and properly disposed of at the owner's or keeper's property. This provision shall apply whether or not the owner or keeper of the domesticated animal has knowledge that the domesticated animal is defecating on the premises.
- 4.5 An appropriate complaint shall be deemed to have been made when a person gives any town enforcement officer a description of the violation of Article 4.4. The person violating Article 4.4 of this ordinance shall be warned in writing by the appropriate enforcement officer that he or she is in violation. A fine in accordance with Article 9 will be levied for each subsequent violation.

Article 5 Investigation of Vicious or Rabid Dogs

When a dog has bitten a person or domesticated animal while the dog is off the premises of the owner or keeper; and the person or domesticated animal bitten requires medical attention for the attack, such person or owner 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 Article of 5.2 of this section;

- 5.1 Upon receipt of a written complaint in which a person or domesticated animal has been bitten by a dog, the enforcement officer shall impound said animal and place in quarantine for a minimum of ten days or shall order the owner to impound said animal at their residence and place in quarantine for a minimum of ten days.
- 5.2 The Selectboard, or their representative within ten days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner or keeper of the dog which is the subject of the complaint can be ascertained with due diligence, said owner or keeper shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint. The notice shall be sent by certified mail, return receipt requested, to the owner or keeper, at the owner or keeper's last known address.
- 5.3 If the dog is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation that the dog is disposed of in a humane way, muzzled, chained or confined. The order shall be sent by certified mail, return receipt requested. A person who, after

receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20VSA§3551;

- 5.4 The existence of a separate article on vicious dogs in this ordinance shall not preclude the Selectboard or Animal Control Officer from electing to pursue alternative enforcement available under the ordinance, and enforcement of this ordinance can be pursued simultaneously under Article 5, other articles of this ordinance and/or State Statute.
- 5.5 The procedures provided in this section shall only apply if a dog is not a rabies suspect.
- 5.6 Since there is no approved pre-exposure rabies vaccine for wolf-hybrids, until the Secretary finds and approves a rabies vaccine, any wolf-hybrid which bites or otherwise exposes a human, pet, or domestic animal to rabies shall immediately be destroyed and its head shall be sent to the state department of health for the purpose of testing its brain tissue for the presence of the disease.
- 5.7 If a member of the Selectboard, an Animal Control Officer or Town Health Officer determines that the dog is a rabies suspect, the provisions of 20VSA§3807 and such rules as are adopted by the Secretary shall apply.

Article 6

Impoundment and Enforcement

- 6.1 Any Enforcement Officer, in addition to any other remedies available by statute or as are hereinafter set forth, may apprehend any dog found running at large or creating a disturbance or nuisance contrary to the provisions of this ordinance, and may impound such animal in the Municipal Pound.
- 6.2 An Enforcement Officer shall make a reasonable investigation to determine whether a violation of this ordinance has occurred when an appropriate complaint is lodged with any Enforcement Officer. If the Enforcement Officer reasonably concludes pursuant to his or her investigation that a dog is running at large, or is creating a disturbance or nuisance, he or she may impound said dog in the Municipal Pound.
- 6.3 An appropriate complaint shall be deemed to have been made when a person gives the Animal Control Officer or their designee a full description of the dog, including species, breed, size, color and other distinguishing features. This description must be sufficient for an Enforcement Officer to make a proper identification. If such description is insufficient for a proper identification, no dog shall be impounded. The person who made such a complaint shall file in writing with the Animal Control Officer or their designee a written complaint on a form furnished by the Town of Hinesburg setting forth their name, address, phone number, description of the dog and circumstances under which the dog was believed to be in violation of the ordinance. If no written complaint is filed, the Enforcement Officer, at his or her option, may release the dog and charge the complainant with any impoundment fees or boarding fees, which may be due.
- 6.4 The Enforcement Officer, upon apprehending and impounding any dog, shall make a complete registry, entering the species, breed, color, and sex of such dog, and whether the dog is licensed and shall, if possible after reasonable inquiry, notify the owner or keeper. If a dog is licensed, the Enforcement Officer shall enter the name and address of the owner or keeper and the number of the license tag.
- 6.5 The Enforcement Officer, when enforcing provisions of this ordinance, may apprehend a dog found on public or private property, including the property of the dog's owner. However, prior to entering on private property, the Enforcement Officer shall make a reasonable attempt to obtain permission from the property owner or occupant.
- 6.6 The Animal Control Officer shall be the primary Enforcement Officer under the provisions of this ordinance.
- 6.7 In the absence of an Animal Control Officer, or in a situation of an emergency nature, any Enforcement Officer may enforce the provisions of this ordinance.
- 6.8 The Animal Control Officer or Enforcement Officer may use all reasonable and lawful methods for catching and impounding dogs found to be in violation of this ordinance, including the use of tranquilizing and or pepper spray.
- 6.9 For the purposes of 24VSA§1971, this ordinance is designated as a civil ordinance.
- 6.10 In addition to those remedies provided herein or otherwise available at law, this ordinance may be enforced in the Vermont Judicial Bureau in accordance with 24VSA§1974a et seq.

Article 7

Release from Impoundment

- 7.1 Upon delivery to the pound, the impounding Enforcement Officer shall notify the owner or keeper, if the dog is licensed or has identifying tags. Notice shall be sufficient if given to its owner or keeper by certified mail. The dog shall be held for five working days from mailing of notice unless claimed earlier.
- 7.2 If the animal is a dog, and is unlicensed, the Enforcement Officer shall notify the owner or keeper by certified mail, if known, and shall post a notice containing a description of the dog in the Town Clerk's office, as well as public locations located within the town's limits for five working days.
- 7.3 If the owner or keeper does not claim the dog within five working days from mailing or posting of the notice, the dog may be given to any person who pays the Municipal Pound fees and the cost of any necessary shots and license fees.
- 7.4 Any owner, if known, who elects not to redeem his or her animal and does not pay the boarding fees, impoundment fees, or any other fees associated with the impoundment may be assessed all of said fees and charges in a civil action brought under this ordinance.
- 7.5 No dog shall be released unless the owner or keeper shall first have applied for and received a valid current license and all fees, as required herein, have been paid.
- 7.6 If no person claims an impounded dog on or within 10 days of the mailing or posting of notice, the dog may be released to the Humane Society of Chittenden County, or an appropriate animal rescue organization.
- 7.7 In the event that the Humane Society of Chittenden County, or an appropriate animal rescue organization cannot assist in placement of animal, the Animal Control Officer may approve an adoption with fees equaling cost paid out.

Article 8

Impoundment Fees

- 8.1 Any dog impounded or cited under the provisions of this ordinance shall be released only on payment of a \$50.00 impoundment fee; provided, however, that any dog impounded for the third time in any fiscal year shall be released only on payment of a \$75.00 impoundment fee, and if so captured four or more times in any fiscal year, it shall be released only upon payment of a \$100.00 impoundment fee.
- 8.2 Any dog that is not currently licensed or having proof of rabies must pay a bond of \$50.00 refunded upon licensing of the dog with the town clerk.
- 8.3 In addition to the impoundment fees charged herein, there shall be a boarding charge for each day or fraction thereof during which the domesticated animal is impounded. The boarding charge shall be set annually on or before the 30th day of June. The boarding charge shall remain in effect for one year. The Selectboard shall be responsible for setting the daily boarding charge.
- 8.4 The Selectboard is hereby empowered to increase the impoundment fees and boarding charges provided for in this section by appropriate resolution.

Article 9

Civil Penalties

- 9.1 Any owner, keeper or other person who violates any section of this ordinance shall, in addition to any other fees, penalties and remedies as provided by law, be subject to the following progressive civil penalties:
 1. At the option of the Enforcement Officer, the issuance of a warning letter notifying the owner or keeper to license the domesticated animal immediately, if applicable, or take other action to prevent the animal from causing a disturbance or nuisance or running at large.

2. A fine of \$25.00 for a first and second violation, \$50.00 for the third violation and \$100.00 for each violation thereafter.
3. Each day that the violation continues, shall constitute a separate violation.

Article 10 Licensing

- 10.1 A person who owns, harbors or keeps a dog more than six months old shall annually on or before April 1 cause it to be registered, numbered, described and licensed on a form provided by the Hinesburg Town Clerk and shall cause it to wear a collar, and attach thereto a license tag issued by the Town Clerk, and shall pay for the license those amounts permitted or required by 20VSA§3581, as amended. If the license fee for any dog is not paid by July 1, its owner or keeper may thereafter procure a license for that license year by paying a late fee of \$20.00 in excess of that otherwise required.
- 10.2 Before a person shall be entitled to obtain a license for a spayed female or neutered male dog, he or she shall exhibit to the clerk a certificate signed by a duly licensed veterinarian showing that the female or male dog has been sterilized.
- 10.3 Before obtaining a license for a dog six months of age or older, a person shall deliver to the Town Clerk a certificate or a certified copy thereof signed by a duly licensed veterinarian, stating that the dog has received current vaccination against rabies with a vaccine approved by the Secretary, and the person shall certify that the dog described in the certificate or copy is the dog to be licensed. The Town Clerk shall keep certificates or copies thereof on file. The owner of any dog shall maintain a copy of the rabies vaccination form and provide it to state and Hinesburg officials upon request.
- 10.4 Any dog impounded pursuant to this section may be released to its owner or keeper only when said dog is properly licensed with the Town of Hinesburg and all impoundment fees set forth in Article 9 herein are paid. Unclaimed dogs shall be disposed of in accordance with the provisions of Article 7 herein.
- 10.5 Pursuant to 20VSA§3590, the Selectboard shall annually certify a list of unlicensed dogs as of May 30. Such list shall be given to the Animal Control Officer for licensing and further action as required by law.
- 10.6 A kennel that operates in town must receive a kennel permit from the Town Clerk. The fee for a kennel permit shall be determined by the State of Vermont. Prior to receiving a kennel permit from the Town Clerk, the kennel must provide proof of Pet Merchant License provided by the Vermont Agency of Agriculture.
- 10.7 Kennels shall be responsible for all expenses related to impoundment of any animal from their facility. If any kennel desires to surrender any animal to the Town of Hinesburg, said kennel shall be responsible for all expenses incurred by the Town of Hinesburg in pursuing proper disposition of said animal.

Article 11 Exemptions

- 11.1 Police service dogs are exempted from the regulations set forth in this ordinance.

Article 12 Severability

- 12.1 Any part or provision of the ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or provision of this ordinance.

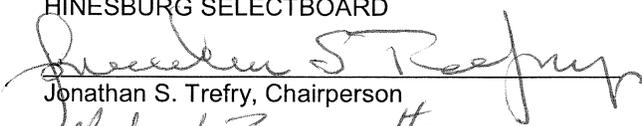
Article 13 Effective Date

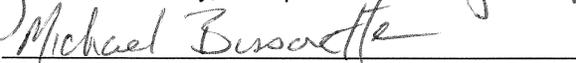
- 13.1 This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24VSA§1973, that statute shall govern the implementation of this ordinance.
- 13.2 This ordinance was hereby adopted in 2005 and was amended in 2012.

Adopted: 2005

Amended: October 1, 2012

HINESBURG SELECTBOARD


Jonathan S. Trefry, Chairperson


Michael Bissonette, Member


Andrea Morgante, Member

Tom Ayer, Member


Phil Pouech, Member

Town of Hinesburg | 10632 Route 116 | Hinesburg VT 05461 | 802.482.2281