

NOTICE  
ADOPTION OF A REVISED DOG ORDINANCE  
IN THE TOWN OF ARLINGTON

THIS IS IN ACCORDANCE WITH CHAPTER 59 OF TITLE 24 V.S.A., AND CHAPTER 59 OF TITLE 24 V.S.A. 1972 (c). THE DOG ORDINANCE WILL BECOME EFFECTIVE DECEMBER 8, 1984 UNLESS PETITIONED BY 5% OF THE QUALIFIED VOTERS AND PRESENTED TO THE TOWN CLERK BY NOVEMBER 22, 1984, PER SECTION 1973 OF CHAPTER 59, TITLE 24 V.S.A.. QUESTIONS CONCERNING THE ORDINANCE MAY BE DIRECTED TO SELECTMAN, CLARENCE CURTIS, EAST ARLINGTON, VT., 375-6608.

## REVISED DOG ORDINANCE

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### 1) PURPOSE

This ordinance has been adopted for the purpose of protection public health, safety, order and the residents' right to the quiet enjoyment of their property. The regulations set forth herein seek to achieve the aforementioned objectives by promoting the responsible care and supervision of domestic pets within the Town by their owners.

### 2) STATUTORY AUTHORITY

This Ordinance has been promulgated under the authority granted by the Town's Board of Selectmen by 20 V.S.A. Section 3549 and 24 V.S.A. Section 2291(10)

### 3) CIVIL DESIGNATION

A violation of this Ordinance shall be a matter enforced in accordance with the provisions of 24 V.S.A. Section 1974a.

### 4) DEFINITIONS

**DOG** means any animal of canine species.

**OWNER** shall mean and include every person or any person having a right of property in a dog and every person or any person who has such dog in his keeping including any person or any group of persons who permit any dog to be or remain in or about the property of any such person or group of persons.

**VICIOUS DOG** A dog which causes reasonable fear of bodily injury by attacking and making threatening pursuit or contact or by biting a person lawfully upon the premises or the place of such attack.

## **5) RUNNING AT LARGE PROHIBITED**

Running at large means a dog off the premises of the owner and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise. Any portion of a public highway including but not limited to the shoulder of the road and side walks shall not be construed as the premises of the owner adjoining such public highway or side walk.

The owner of a dog or keeper may have his dog off his premises only when the dog is:

- (1) Securely held on a leash
- (2) Within a vehicle preventing escape
- (3) Hunting with its owner or keeper\
- (4) Clearly subject to the verbal or signaled command of such owner or keeper and within sight of the owner or keeper and not trespassing upon or damaging the property of others. A presumption shall arise hereunder that a dog is not clearly subject to the verbal or signaled command of such owner or keeper if it bites or otherwise comes into physical contact with any animal or person other than the owner or keeper.

## **6. NUISANCES PROHIBITED**

No person shall keep or harbor any dog which:

- (1) by frequent habitual barking, or howling or yelping disturbs peace and quiet of person of ordinary sensibility;
- (2) attacks or bites any human being;
- (3) repeatedly pursues or chases pedestrians;
- (4) repeatedly pursues or chases vehicles;
- (5) repeatedly attacks other dogs, livestock, poultry or other domestic animals;
- (6) chases or pursues deer;
- (7) repeatedly causes disturbance or interference at the school grounds or other public places in the Town of Arlington.

Any such conduct is hereby declared to be a public nuisance.

## **7. INJURY TO PROPERTY**

No person owning, keeping or harboring a dog shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property of any other person.

## **8. VIOLATION**

Any dog within the limits of the Town of Arlington found in violation of this ordinance or in violation of any of the provisions of 20 V.S.A. 3341 et seq, shall be impounded and the penalty provisions of this ordinance and of the Statutes of the

State of Vermont shall be enforced by the dog warden or any other person designated by the Board of Selectmen.

## **9. DOG IN HEAT**

Any dog in heat shall be kept confined within a secured building or fence or attended on a leash, at all times, and shall not be permitted to be at large within the Town of Arlington. Any dog in heat kept in violation of this ordinance shall be impounded, as a nuisance, and the owner subject to a fine by the dog warden or other person designated by the Board of Selectmen.

## **10. LEASHING**

Any complaints for violating any of the aforementioned provisions may be presented in writing to the Board of Selectmen if leash restraints are sought to be imposed. Thereafter it shall be the duty of the dog warden or other person designated by the Board of Selectmen to investigate such complaint. When a dog is complained against, said designated individual shall investigate said complaint and report the facts thereof to the Board of Selectmen who shall cause the owner or person harboring such dog to be notified in writing of the complaint and to appear before the Board of Selectmen at a stated time and place set for such hearing. The Board of Selectmen shall inquire into the facts and give all persons an opportunity to be heard, under oath, and to be represented by counsel.

If the Board of Selectmen shall decide in accordance with the evidence presented that the dog complained of has violated any of the foregoing provisions, written notice of such decision shall be given to the owner or person harboring such dog. Thereafter, no such dog shall be permitted to run at large, or be upon any public road or place in the Town of Arlington except while securely confined and controlled by an adequate leash. Furthermore, the person owning or harboring a dog found in violation of this ordinance shall take appropriate measure to house said dog in such a manner that the existing peace and quiet of the people of the Town of Arlington shall not be disturbed.

## **11. DOG WARDEN**

It shall be the duty of the dog warden to enforce the provisions of this ordinance. The Selectmen may appoint a dog warden or any person to serve as acting dog warden.

## **12. IMPOUNDMENT**

Any dog found in violation of this ordinance or in violation of the terms or provisions of 20 V.S.A. 3341 et seq. or violation of any other law of the State of Vermont shall be impounded at Animal Control or the Animal Shelter and there confined in a humane manner for a period of five (5) days unless sooner known, of the dog's impoundment and its place of confinement. After five (5) days the

dog becomes the property of Animal Control, to be placed for adoption or humanely euthanized at the discretion of the dog warden. The owner/keeper shall be liable for all costs incurred by the Town if the dog is not claimed after five (5) days.

If the owner or keeper of an unlicensed dog is located and wishes to claim the dog, the dog warden shall not release the dog until evidence of rabies inoculation (within one year) is shown and a license obtained. In lieu of this, the warden shall collect the proper sum of money to forward to the dog owner's veterinarian and to the Town Clerk for vaccine and license. The owner shall also pay to the Town a fine of \$10.00 plus any impoundment charges. If the dog has been disposed of, the owner/keeper shall be liable for all costs incurred by the Town.

Bites; When a domestic pet or wolf-hybrid has bitten a person or another animal while off the premises of an owner or keeper and the person or animal bitten requires medical attention, such person or animal may file a complaint describing the nature of the attack with the Town's Board of Selectmen. Within seven days of the complaint, the Board of Selectmen shall conduct an investigation and notify, when possible to ascertain such, the owner or keeper of the domestic pet or wolf-hybrid as to the date and time of the investigative hearing.

When it is determined that a bite occurred without provocation, the Board of Selectmen shall make an order of protection which may include, but is not limited to, the confinement, chaining, muzzling, or humane destruction of the animal in question. The order will be sent to the owner or keeper by certified mail, return receipt requested. Failure to comply with the order will subject the owner or keeper to the penalties provided in 20 V.S.A. Section 3551, as amended.

### **13. PENALTIES**

Any person who violates any licensing provision of this Ordinance shall be guilty of a misdemeanor and fined \$10.00 if the dog is not licensed by April, but is subsequently licensed on or before May 30. The owner of a dog on the unlicensed dog list given to the Selectmen by the Town Clerk after May 30 will be subject to a fine of \$150.00

- (A) The owner of an unlicensed dog which is not on the unlicensed dog list given to the Selectmen by the Town Clerk after May 30 will be subject to a \$10.00 fine. The owner shall be given a two week period following receipt of notification of violation to comply with the licensing requirements of this Ordinance, and if they fail to properly license the dog and pay any and all outstanding costs and fines within two weeks of receipt of said notice, then they will be subject to a fine of \$150.00.
- (B) Any person who violates any non-licensing provision of this Ordinance shall be guilty of a misdemeanor and shall be fined \$35.00 for the first offense, \$75.00 for the second offense thereafter. In addition to the above, said person shall be responsible for all impoundment and boarding fees and all costs incurred by the Town of Arlington in

prosecuting and violation for this Ordinance or related Vermont Statutes, including but not limited to, attorney's fees. The time period for determining repeat offenses shall be two years from the time of the first offense.

- (C) Prompt compliance with a citation shall entitle the party cited to pay a waiver fine in lieu of the statutory fine. Prompt compliance shall be receipt of the fine and any applicable costs by the Town of Arlington within five working days of the citation. Waiver fines shall be \$15.00 for the first offense and each offense thereafter. Notwithstanding anything hereinabove stated, no waiver fines shall be available with respect to violation of any of the licensing provisions of this Ordinance.

*/s/Clarence Curtis, Chairman*

*/s/Lawrence Molloy*

*/s/ Keith Squires*

*/s/ Richard King*

*/s/ Daniel Harvey*

**Arlington Board of Selectmen**

**Dated this July 15, 1996**