

## TOWN OF WEST RUTLAND

### DOG ORDINANCE

Pursuant to 24 V.S.A. 1972, V.S.A. 2291 (10) and V.S.A. 1974 (a) as amended. The Selectmen of the Town of West Rutland hereby adopt the following Ordinance relating to the keeping of dogs within the Town of West Rutland.

#### Section 1 Definitions

- (A) At large - To move at will without restraint, control or limitation at property lines or owner by leash. Included are all properties public and private other than that of the owner. Dogs performing productive tasks, such as animal herding, are exempt from this definition.
- (B) Dog - Any animal of the canine species, including wolf hybrids.
- (C) Dog Warden - Shall mean the Animal Control Officer, any police officer of the Town of West Rutland, or any person/s duly appointed by the Board of Selectmen.
- (D) Leash - An instrument consisting of rope, leather, chain, or cord with a fixed clasp on the collar and not to exceed eight (8) feet in length.
- (E) Owner - Any person or group of persons, firm, association or corporation owning, keeping or harboring a dog.
- (F) Under Restraint - shall mean (a) on a leash not longer than eight feet (8) or (b) on or within a vehicle, or (c) on the property of it's owner or (d) hunting with it's owner or agent.
- (G) Vicious Dog - A dog which causes reasonable fear of injury to person or farm animal, except in such case as a person may be in the act of unlawfully trespassing upon the property of the owner.

#### Section 2 Responsibilities of the Owner

- a. Licensing - It shall be the duty of every person owning, keeping or harboring any dog over six months of age within the Town of West Rutland to procure a license in accordance with Title 20, Sections 3581-3592 of the Vermont Statute annotated, as amended.
- b. Under Restraint or on a leash - It is the responsibility of the owner to keep any dog leashed or under restraint regardless of age when on any public property or private lands.
- c. Dogs at Large - No person shall permit a dog or dogs owned by him or under his keeping or control to run at large in a Street, Park or Common, nor shall the owner or keeper of a dog or dogs allow his dog(s) to run at large on other people's property, namely lawns, gardens,

yards, school grounds, parking areas, or any other land used or occupied by any other person(s).

- d. Disturbing the Peace and Public Nuisance – No person shall own, keep or harbor a dog which disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.
- e. Vicious Dogs – The owner shall confine within a building or secure enclosure every vicious dog, and not take such dogs out of such building or enclosure unless such dog is securely muzzled and leashed.
- f. Unspayed Females in Heat - The owner shall confine within a building or secure enclosure every unspayed female dog in heat in such manner that such dogs cannot come in contact with another dog except for intentional breeding.
- g. Boarding Costs – It is the owners responsibility to pay all veterinary fees and penalties for violating this ordinance. Such veterinary fees shall include shots, vaccines, boarding and public advertising fees. The penalties, as from time to time, established by the Board of Selectmen, shall compensate for all enforcement costs to the Town of West Rutland.
- h. POOPER SCOOPER – The person in control of a dog that defecates in any public area or on the private property of another person, within the boundary of the area as defined in this section, shall immediately remove the fecal material and dispose of it in a sanitary manner.

The provisions of Section 2 (H) shall pertain to the Town of West Rutland Recreation Area and the geographical area encompassed by the following boundaries. Beginning with the intersection of Pleasant St. and US RT4A, follows the eastern right of way of Pleasant St. to and along the northern right of way of Crescent St. to and along the center of Marble St. to Barnes St. Continues along the western right of way of Barnes St. to Rte. 4A, then north along the southern right of way of Rte. 4A to the northern boundary of the church cemetery. From the northern cemetery boundary it continues to the Highway Fence at the west-bound lanes along Rt. 4 to the Clarendon River, proceeding along the center of the Clarendon River to and along the center of the Old Boardman Hill Rd. to the northern right of way of Rte. 4A and then on to Pleasant St., the point of beginning.

### Section 3 Duties of the Dog Warden

- a. At Large - It is the responsibility of the Dog Warden(s) to capture any dog moving at large within West Rutland. The Warden(s) must also respond to any complaint of a vicious dog sent to him in writing or conveyed by the Board of Selectmen or Town Manager.
- b. Identification - Immediately after capture the Warden(s) must check the dog for proper identification. The capture must be recorded on the dog identification form. The time,

place, description of the dog and a brief explanation of the circumstances must be logged at the time of capture.

- c. Return of Transport to Impoundment Area - The Warden's shall make every reasonable attempt to return a dog with proper identification to the owner. The Warden(s) may, as a result of the hour of capture, vicious nature of the dog or other circumstances immediately transport the dog to the impoundment area.
- d. Unlicensed Dog -The Warden(s) shall transport all unlicensed dogs immediately after capture to the impoundment area. Upon delivery of the dog to the Rutland County Humane Society, the Warden(s) shall attempt to notify the owner. If the dog is unlicensed a brief description of the dog shall be advertised in the local newspaper for at least three (3) days.

#### Section 4 Impoundment and Condition of Release

- a. All captured animals shall be transported to and be impounded within the Rutland County Humane Society Compound. The dogs shall be housed until positive identification is made or for five (5) days, whichever occurs first.
- b. If the owner does not claim the dog within five (5) days, the dog shall be given to whoever pays the penalties, rabies shots and necessary licensing fees.
- c. The Poundkeeper shall keep a record of every dog disposed of by sale or otherwise. Such records shall include (a) a description which identified the dog with reasonable certainty, and (b) the manner of disposing of the dog and (c) if the dog was transferred to another person, the name and address of the transferee. In addition the transferee must sign a statement giving his name, address and date of delivery or receipt of dog.
- d. No dog shall be released from the pound until it is properly licensed and all pound charges and penalty fees are paid. The Rutland County Humane Society shall require a receipt from the Town Clerk for the license (if applicable) and from the Town Manager's Office for penalties.

#### Section 5 Cruelty

Any person who shall torture, torment, or cruelly neglect to provide with necessary sustenance or shelter or shall cruelly beat or needlessly mutilate or kill or cause or procure to be tortured, tormented, or deprived of necessary sustenance or be cruelly beaten or needlessly mutilated or killed aforesaid, any dog, shall be promptly reported to the Humane Society.

#### Section 6 Property Owner May Impound

Any person finding any dog upon his property to his injury or annoyance may hold the dog in his possession and as soon as possible notify the Dog Warden(s), Police Officer(s) or Town Manager to take custody of said dog.

## Section 7 Penalties

As per V.S.A. 24 1974 (b)-This ordinance is designated as a civil ordinance. A violation of any provision of this ordinance will be subject to the following fines:

First Offense - \$100.00

Second Offense - within 12 months - \$200.00

Third Offense-within 12 months and every offense thereafter -\$300.00

The waiver fee shall be one half (1/2) of the appropriate fine. Boarding costs and other expenses from previous sections are in addition penalties from this section. All fines must be paid prior to release of the dog from the pound. All penalty moneys will be paid to the town of West Rutland at the town manager's office during regular business hours. Regarding persons owning more than one dog, each dog will be considered a separate infraction.

## Section 8 Repeal

All prior ordinances in conflict herewith are hereby repealed to the extent of such conflict except that this repeal shall not affect or prevent the prosecution of and person for an act done or committed prior to the effective date of this ordinance.

## Section 9 Separability

The provisions of this ordinance are hereby declared to be separable and if any, there be adjudged invalid the invalidity of any part shall not affect the remainder thereof.

## Section 10 Enforcement Authority

The West Rutland Constable, West Rutland Animal Control Officer, West Rutland Special Officers, Rutland County Sheriff Department Officers, Vermont State Police, and any other certified enforcement official shall have the authority to issue tickets relating to this ordinance, as designated by the Selectboard.

This ordinance shall take effect sixty (60) days from the amendment date listed below.

Sean Barrows, Selectboard Chairman

ADOPTED: March 27, 1995

AMENDED: May 27, 1997

AMENDED: October 13, 1998

AMENDED: October 14, 2002

AMENDED: July 7, 2003

AMENDED: July 28, 2003

AMENDED: March 9, 2009

## NOTICE OF CHANGE IN DOG ORDINANCE

**Pooper Scooper** - The person in control of a dog that defecates in any public area or on the private property of another person, within the boundary of the area as defined in this section, shall remove the fecal material and dispose of it in a sanitary manner.

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