

ORD.

ORDINANCES

Chapter 1

TOWN of SHARON, Vermont

AN ORDINANCE RELATING to  
ANIMAL CONTROL

REVISION B

ADOPTED AUGUST 1, 2011

TOWN OF SHARON, VT

Received for record August 02, A.D. 2011  
at 9:00 o'clock 9 A.M. and recorded in filed in  
Sharon Vault Records, Vol. Town Ordinances Page           
Attest: Debra A. St. Peter, J.C.



**ANIMAL CONTROL ORDINANCE  
of the  
TOWN OF SHARON**

Article 1. Applicability and Purpose

- A. This ordinance shall apply to the entire Town of Sharon unless otherwise noted by reference.
- B. This ordinance establishes regulations for the keeping of dogs.

Article 2. Definitions

As used in this ordinance the following words and terms have the respective meanings herein assigned to them:

**Owner:** Any person keeping an animal or allowing an animal to remain in or around buildings or premises owned, controlled or occupied by him/her.

**Stray:** Any animal that is found running at large on any property other than that of its owner.

**Vicious:** Any animal that nips, bites or otherwise aggressively accosts any person or domestic animal outside of the owner's or keeper's private land and premises.

**Dog:** Any animal of the canine species, including both male and female gender.

**Wolf-Hybrid:** Any animal that is the progeny or descendant of a domestic dog (*Canis Familiaris*) and a wolf (*Canis Lupus* or *Canis Rufus*). Wolf-Hybrid shall also mean any animal that is advertised, registered, licensed or otherwise represented as a wolf-hybrid by its owner. Wolf-Hybrid shall also mean any animal that exhibits primary physical and behavioral wolf characteristics.

Article 3. Authority

Pursuant to the provisions of Title 20, Vermont Statutes Annotated, Section 3549; Title 20, Vermont Statutes Annotated, Chapter 193; Title 24, Vermont Statutes Annotated, Section 1971; and other enactments as may be material hereto; the Selectmen of the Town of Sharon adopt this Dog Ordinance.

Article 4. Licensing and Vaccination

- A. All dogs and wolf-hybrids kept within the limits of the Town of Sharon must be vaccinated for rabies by a licensed veterinarian, with a vaccine approved by the Commissioner of Agriculture to provide immunity for domestic dogs.
- B. Veterinarians must provide domestic dog and wolf-hybrid owners with completed rabies certificates and rabies tags for each animal inoculated.
- C. Any dog(s) or wolf-hybrid(s) owned, kept, or maintained within the Town of Sharon shall obtain a dog license in the Town of Sharon as provided for by the laws of the State of Vermont.
- D. Any person keeping two or more dogs or wolf-hybrids for breeding purposes shall obtain a kennel license in the Town of Sharon as provided for by the laws of the State of Vermont.
- E. Dog and kennel licenses shall be obtained from the Town Clerk. A current valid rabies certificate and a licensing fee must be provided to the Town Clerk before a license may be issued.
- F. Dog and kennel licenses shall be issued for a period not to exceed one year and shall expire on the first day of the month of April following the date of issuance.

Article 5. Public Nuisance Violations

- A. It shall be a violation for the owner or keeper of any dog(s) or wolf-hybrid(s) to permit or allow said animal(s) to bark, howl, or otherwise disturb the peace and quietude of the community in any other manner on a habitual manner. The term "habitual" shall be construed to include any such conduct that occurs continually over a period in excess of thirty minutes. Such conduct is declared to be a public nuisance.
- B. It shall be a violation for the keeper of any dog(s) or wolf-hybrid(s) to permit or allow an uncontrolled animal to run at large in any road, park, schoolyard or any other public facility. Such conduct is declared to be a public nuisance.
- C. It shall be a violation for the owner or keeper of any dog(s) or wolf-hybrid(s) to permit or allow said animal to trespass or otherwise enter upon on any other person's property without consent causing damage or disturbance. Such conduct is declared to be a public nuisance.

- D. The owner or keeper of any female dog or wolf-hybrid in heat shall confine said animal in a manner so as to prevent the unintentional breeding of the animal. Conduct in violation of this provision is declared to be a public nuisance.

Article 6. Vicious Dog(s) or Wolf-Hybrid(s)

- A. Any dog(s) or wolf-hybrid(s) that nip, bite or otherwise aggressively accost any person or domestic animal outside of the owner's or keeper's private land and premises, or within an owner's or keeper's private land and premises in an unprovoked attack, shall be considered vicious for the purposes of this ordinance.
- B. Any owner or keeper shall be deemed to have violated this ordinance in any instance that the owner's or keeper's dog(s) or wolf-hybrid(s) nips, bites or otherwise aggressively accosts any person or domestic animal outside of the owner's or keeper's private land and premises.
- C. It shall be a violation for the owner or keeper of any vicious dog(s) or vicious wolf-hybrid(s) to maintain or otherwise allow said animal to be outside of the owner's or keeper's private land and premises.
- D. Upon receiving notice from the Town Constable(s) or Animal Control Officer that the owner's dog is suspected of having bitten another person, the owner shall immediately provide the Constable or Animal Control Officer with proof of current rabies vaccination. Failure or inability to provide proof of vaccination shall require a 14-day confinement of the animal. If appropriate, the Town Constable(s) or Animal Control Officer may impound the animal pursuant to the provisions of Article 10, Section B below. The owner shall NOT vaccinate the animal for rabies during any period of confinement or impoundment.

Article 7. Confinement

- A. The owner or keeper of any dog shall confine within lands owned or controlled by him, every dog, and not take or allow such dog to leave such lands unless such dog is on a leash or under control by verbal command.
- B. The owner or keeper shall confine within lands owned or controlled by him, every female dog in heat in such a manner that such dog cannot come in contact with another dog except for breeding purposes.
- C. The owner or keeper of any dog that has bitten a person without provocation, as determined by the Constable or Animal Control Officer, shall be ordered by the Constable or Animal Control Officer to keep such

dog in a muzzle on all occasions where there is a possibility of contact with the public. Any person aggrieved by such an order may appeal to the Selectboard for a hearing on the merits of such an order. The violation of such an order shall be a violation of this ordinance and such dog shall be immediately taken up a confined or impounded at the owner's expense.

Article 8. Animal Neglect or Abuse

- A. The state laws regarding animal neglect and abuse as set forth in Title 13 V.S.A. Sections 351-397 are hereby fully incorporated by this ordinance.
- B. Any violation of the provisions of Title 13 V.S.A. Sections 351-397 within the limit of the Town of Sharon may be enforced as a municipal violation of this ordinance and may be prosecuted in the same manner as any other violation set forth herein.

Article 9. Stray Dogs or Wolf-Hybrids

- A. Any dog(s) or wolf-hybrid(s) found strayed from the property of its owner shall be subject to immediate impoundment.
- B. Any dog(s) or wolf-hybrid(s) impounded under this Article shall be held until such time as the owner can be determined, or until at least ten days have elapsed from the date of impoundment.
- C. If the owner can be determined, then the owner shall be notified by the pound keeper of the impoundment and owner may reclaim the animal by payment of a minimum of \$25.00 for a reclamation fee and an impoundment fee of the actual cost to the Town of Sharon for impoundment.
- D. If the owner is unknown, attempts to locate the owner shall minimally include advertisement in a locally circulated newspaper at least twice during the impoundment period.
- E. If attempts to locate the owner are unsuccessful after ten days, the animal shall become the property of the Town of Sharon and may be either placed for adoption or disposed of in a humane manner, at the discretion of the or Animal Control Officer.

Article 10. Duties of the Constable, Pound Keeper, Animal Control Officer or other Persons Controlling Dogs

- A. The Constable or Animal Control Officer or any other person authorized by the Selectboard within the Town of Sharon, shall have the authority to

seize, impound or restrain any dog kept in violation of this ordinance and shall deliver such dog to the Pound Keeper or person duly authorized to have control of impounding.

- C. If the owner or keeper of such dog is known or can be located with reasonable diligence, then the Animal Control Officer, Pound Keeper, or person who has control of impounding shall notify owner within 24 hours.
- D. If the owner or keeper of such dog is not known or cannot be located with reasonable diligence, then the Pound Keeper or person who has control of impounding shall within forty-eight (48) hours of the time he shall have taken such dog into his possession, post written notice at the Town Clerk's Office in the Town of Sharon giving a description of the dog, stating where it is impounded and the condition of its release.
- E. If the owner within five (5) days of receiving notice, or within five (5) days after the notice has been posted, does not claim the dog then the Pound Keeper or person who has control of impounding shall dispose of the dog by sale or otherwise in a proper and humane manner.
- F. The Constable, Pound Keeper, or person who has control of impounding shall require that any person to whom a dog not possessing a current and valid license is released pay a \$50.00 licensure deposit in addition to any other impoundment fees and/or penalties. Said licensure deposit shall be collected and held pending receipt by the Constable, Pound Keeper, or person who has control of impounding of proof of a current and legal dog license and rabies vaccination. Within a period of not longer than 14 days from the date of release and upon delivery of proof of licensure and rabies vaccination, the licensure deposit shall be refunded to the person from whom it was collected, without interest.

Failure to present proof of licensure and rabies vaccination within the required 14 days shall result in forfeiture of the licensure deposit. In the event of forfeiture the deposit shall revert to the Town of Sharon.

- G. The Pound Keeper, or person who has control of impounding shall keep a record of every dog disposed of by sale or otherwise. Such a record shall include:
  - (a) a description which identifies the dog with reasonable certainty;
  - (b) the manner of disposing of the dog; and
  - (c) if the dog was transferred or sold to another person, the name and address of the transferee.
- H. Any person to whom a dog has been transferred or sold is required to sign a statement giving his name, address, and telephone number and the date of delivery or receipt of the dog.

Article 11. Emergency Powers

If in the opinion of an emergency State Health Department, local health officer, Animal Control Officer or a Town Constable, an emergency situation exists with regard to the threat or impending threat of rabies, then a State of Emergency may be declared. This declaration shall have the effect of suspending due process with regard to the impoundment of any animal suspected of being rabid. Any Constable or Animal Control Officer impounding an animal under this Article shall immediately report it to the health officer and shall follow his/her order as to its disposition.

Article 12. Filing of Complaints and Enforcement

- A. Any person who suffers damage or disturbance under any provision of this ordinance shall notify a Town Constable or Animal Control Officer within 48 hours of the occurrence of such damage or disturbance.
- B. Any person who suffers damage or disturbance under Articles 5 or 6 of this ordinance shall file a written complaint with the Selectboard Administrator, the Town Clerk, an Animal Control Officer or a Town Constable within 48 hours of the occurrence of such damage or disturbance. A Town Constable or Animal Control Officer receiving a written complaint under Article 5 or 6 of this ordinance shall file a copy of same with the Selectboard Administrator or the Town Clerk within 48 hours of receipt of the complaint.
- C. When notifying a Town Official or filing a written complaint, the complainant shall provide as much of the following information as is known:
- Name and address of the complainant
  - Description of the damage and/or disturbance
  - Time, date and location of damage and/or disturbance
  - A description and/or name of the offending animal
  - Name and address of the animal's owner or keeper
- D. The Town Constable(s) or Animal Control Officer shall have authority to enforce and investigate any violation of, or complaint regarding, the provisions of this ordinance.
- E. Either or both of the Town Constable(s) or Animal Control Officer shall investigate complaints received under this ordinance and the Constable(s) or



Animal Control Officer shall then determine the substance of the complaint to the best of his/her/their ability.

- F. Whereupon the Constable(s) or Animal Control Officer shall determine that an owner or keeper is in violation of this ordinance, the Constable(s) shall notify the owner of the offending animal in writing as to the nature of the offense clearly stating the ordinance article and section (and statute title and section if applicable) being enforced and the manner of enforcement. The Constable(s) may also issue a written order to cause the cessation of the offense by reasonable means which may include (but are not limited to) chaining, leashing, muzzling or confinement of the animal.
- G. At his/her/their discretion, the Constable(s) or Animal Control Officer may formally prosecute a violation of this ordinance before either the Sharon Selectboard or the Vermont Judicial Bureau. The individual charged with a violation of this ordinance shall have an opportunity to contest the charges before the Selectboard or the Judicial Bureau as applicable.
- H. Any complaint received regarding a violation of Article 5 of this ordinance shall be investigated (or caused to be investigated) by the Selectboard. Upon determination that facts may exist to support a conclusion that Article 5 was violated, the Selectboard shall hold a public hearing within 14 days to determine the validity of the complaint. The owner of the offending dog(s) or wolf hybrid(s) shall be notified of the time, date and location of the hearing at least 72 hours prior to same.
- I. Upon receiving a formal municipal complaint for the third offense of any violation of this ordinance and determination that facts may exist to support a conclusion that a provision of this ordinance was violated three times, the Selectboard shall hold a public hearing within 14 days to determine the validity of the complaint. The owner of the offending dog(s) or wolf hybrid(s) shall be notified of the time, date and location of the hearing at least 72 hours prior to same.

Article 13. Penalties and Remedial Measures

A. Schedule of Fines:

I. Fine for violations of Article 4 of this ordinance are set forth as follows:

First offense -	no fine, written warning
Second offense -	fine not to exceed \$100.00 or \$25.00 waiver*
Third offense -	fine not to exceed \$200.00 or \$50.00 waiver*

II. Fines for all other violations of this ordinance are set forth as follows:

First offense -	fine not to exceed \$50.00 or \$25.00 by waiver*
Second offense -	fine not to exceed \$100.00 or \$25.00 by waiver*
Third offense -	fine not to exceed \$250.00 or \$50.00 by waiver*

III. A fine shall be assessed for failure to comply with a written order issued by the Selectboard requiring abatement of an ongoing violation of this ordinance. Such fine shall be assessed at not more than \$250.00 per day or \$50.00 per day by waiver\*.

IV. The fine schedule set forth above shall be exclusive of any administrative fees and surcharges as may be applicable.

\* A waiver of fees may be requested from the Selectboard if proof of hardship is presented

B. Impoundment

I. Whereupon the Town Constable(s) or Animal Control Officer shall determine that an owner or keeper is in continuous violation of Articles 4, 5, and/or 6 of this ordinance resulting in an immediate threat to the health, safety or welfare of the general community, the offending animal may be impounded pending an appearance of the owner before the Selectboard and subsequent order of the Selectboard providing for the return of the animal to the owner.

II. Prior to releasing an impounded animal to its owner, the pound keeper shall collect from the owner a minimum of \$25.00 for a reclamation fee and an impoundment fee of no less than the actual cost of the impoundment and any and all other costs incurred by the Town of Sharon.

C. Other Remedial Measures

For any violation of this ordinance determined at a hearing, the Selectboard may issue a written order to the owner to protect and ensure the health, safety and welfare of the general community which may include (but shall not be limited to) chaining, leashing, muzzling, confinement, euthanasia and/or removal of the offending animal from the community.

Article 14. General Provisions

- A. Nothing in this ordinance shall be deemed or otherwise construed to prevent, restrict, or prohibit any individual or Town official from pursuing prosecution, remedy, and/or compensation under any applicable laws of the State of Vermont.
- B. The provisions of this ordinance are hereby declared severable, and if any part thereof shall be held to be invalid, then the invalidity of that part shall not affect the remainder of the ordinance thereof which shall remain in full force and effect.

Article 15. Effective Date

- A. This shall become effective on the 1<sup>st</sup> day of October, 2011.

Article 16. Adoption

- A. This ordinance is adopted by the Sharon Board of Selectman on this 1<sup>st</sup> day of August, 2011 at the Town of Sharon, County of Windsor, State of Vermont.
- B. A summary of this ordinance shall be published in the Randolph Herald on or before August 15, 2011
- C. This Ordinance, as adopted, shall be filed in the records of the Town of Sharon.

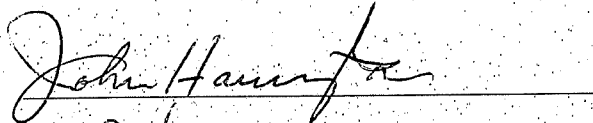
Signed:

Sharon Board of Selectmen

Brad Atwood, Chair



John Harrington



Paul Haskell



Information about the above ordinance is available from Miriam Rubin, Assistant to the Selectboard, at the Selectboard Office, Sharon Municipal Building, 69 Route 132, Sharon, VT 05065 Telephone Number: 802 763-8268 ext 4  
Email Address: Selectboard@SharonVT.net

Citizens of the Town of Sharon are further hereby notified that in accordance with 24 VSA § 1973

- (a) An ordinance or rule adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting duly warned for the purpose, pursuant to a petition signed and submitted in accordance with subsection (b) of this section.
- (b) A petition for a vote on the question of disapproving an ordinance or rule shall be signed by not less than five per cent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality within 44 days following the date of adoption of the ordinance or rule by the legislative body.

The forty-four (44) days following the date of adoption is September 14, 2011. Upon the date of adoption, the number of Town of Sharon registered voter signatures required on a petition is 52.