

# Town of Ferrisburgh Ordinance Regulating Dogs

The Selectboard of the Town of Ferrisburgh in the County of Addison and State of Vermont, acting under the authority of 20 V.S.A §3549, et seq. and 24 V.S.A. §1971 hereby adopts this ordinance regulating dogs in the Town of Ferrisburgh.

## **Article 1 Purpose**

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

## **Article 2**

**2.1 Dog.**

Dog shall include male and female canine species and shall include animals kept as pets, for breeding, or otherwise that are part canine and part other species. However, the inclusion within the definition of breeds that are only partly canine is not intended to and does not vary or lessen any restrictions that are now imposed or may be imposed in the future on such mixed breeds by state statute.

**2.2 Owner.**

Owner shall mean any person, firm, association, corporation, organization, including a rescue operation, or entity (person or entity) possessing or having the care and custody of, or harboring a dog. In the event ownership is not claimed by any person or entity, the Owner shall be the person or entity in actual possession of the premises on or in which the dog is kept within the Town.

**2.3 At Large.**

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 shall mean that at all times, the dog is prevented from causing injury, damage, disturbance, or annoyance of any kind. A dog on a leash shall be deemed under control.

**2.4 Pound.**

Pound shall mean any kennel, pound, or other facility for holding or housing dogs, which is designated by the Selectboard, and regardless of whether such facility is operated by the Town or within the Town limits.

**2.5 Town Enforcement Officer.**

Dog Enforcement Officer shall mean any constable, police officer, sheriff or deputy sheriff, or any person appointed Dog Enforcement Officer by the Selectboard. A person appointed Dog Enforcement Officer by the Selectboard may be a private contractor or resident of another town.

## **2.6 Vicious Dog.**

Vicious dog shall include:

- 2.6.1 Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal, or
- 2.6.2 Any dog which, without provocation, reasonably places a reasonable person in fear of being attacked or bitten while the dog is off the premises of the owner.
- 2.6.3 Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals, or
- 2.6.4 Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner proscribed by this ordinance, or
- 2.6.5 Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

## **ARTICLE 3**

### **Dog License Required/Dog License Surcharge**

#### **3.1 License Required.**

All dog owners shall be required to annually register and license each dog in the manner prescribed by the Town and pursuant to applicable State Statute. (April 1 of any given year.)

#### **3.2 Rabies Vaccination Required.**

In addition to any other licensing requirements required by State Statute, all owners shall be required to demonstrate proof of current rabies vaccination as a prerequisite to licenser.

#### **3.3 License and Rabies Tags to be Worn.**

All dog owners shall be required to attach a collar or harness on any dog that may be off the premises of the owner a current license tag issued by the Town, and a current rabies vaccinations tag.

#### **3.4 Surcharge.**

A dog license fee surcharge of \$1.00 per license shall be added to those fees prescribed by State Statute and shall be used to defray the expenses of the Town dog control program.

## **ARTICLE 4**

### **Running At Large Prohibited**

- 4.1 It shall be unlawful for any owner of a dog or person controlling a dog to permit such dog to be at large within the Town.

**ARTICLE 5**  
**Disturbance by Noise Prohibited**

- 5.1** No owner of a dog shall keep or harbor a dog which by frequent or long-continued noise, barking, or howling disturbs the comfort or repose of persons in the vicinity.

**ARTICLE 6**  
**Vicious Dogs**

**6.1 Complaint.**

Three legal residents or property owners of the Town who upon knowledge that a dog is a vicious dog, may file a written complaint with the Selectboard. The complaint shall contain the names and addresses of the three complaining residents, the time, date, and place where the attack(s) occurred, and the name and address of the victim(s), or the complete facts upon which the complaint is based, any other facts that may assist the Selectboard, and all information known to them about the owner of the vicious dog and the owner's location and address.

**6.2 Hearing**

The Selectboard, within twenty-one (21) days from receipt of such complaint, shall hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with written notice by United States mail, first class, postage prepaid, of the date and place of hearing and be provided with a copy of the complaint or with actual oral notice at least 24 hours before hearing, the Selectboard may, but is not obligated to, investigate the complaint itself, or through an agent.

**6.3 Order.**

If the dog is determined to be a vicious dog as defined in this ordinance, then the Selectboard may make such order for the protection of persons as the facts and circumstances of the case may require, including without limitation, that the dog be disposed of in a humane manner, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested, to the owner of the dog, at the owner's last know address.

**6.4 Notice and Penalty.**

An owner who, after notice has been sent by certified mail, return receipt requested, to the address at which the vicious dog is kept or harbored, fails to comply with the terms of the order, shall be fined \$25.00 for a first violation and \$50.00 for any subsequent violation.

**6.5 Non-Exclusive Remedy.**

The existence of a separate article on vicious dogs in this ordinance shall not preclude the Selectboard or the Dog Enforcement Officer from electing to pursue alternative enforcement available under the ordinance, and enforcement of this ordinance can be pursued simultaneously under this Article 6 and other articles of this statute.

**6.6 Enforcement by Injunction.**

Any order issued by the Selectboard pursuant to 6.3 may be enforced by an action for injunctive relief as set forth in Article, Paragraph 7.6.

**6.7 Election to Proceed Under State Statute.**

Residents complaining of a vicious dog may elect to proceed under 20 V.S.A. § 3546, but in any complaint must advise the Selectboard in writing of that election, and may not simultaneously proceed under this article.

**ARTICLE 7  
Enforcement**

**7.1 Impounding for Violation of Article 3 or Article 4.**

Any dog Enforcement Officer may apprehend any dog found running at large or found to be unlicensed or found to be not wearing a current license tag and current rabies vaccination tag, contrary to the provisions of this ordinance and may impound such dog in the pound.

**7.2 Impounding For Violation of an Order Issued Under 6.3**

Any Dog Enforcement Officer may apprehend any dog found to be in violation of the terms and conditions of an order issued as authorized by Article 6, Paragraph 6.3, and may impound such dog in the pound.

**7.3 Enforcement by Complaint**

A dog may be apprehended by the Dog Enforcement Officer and impounded for violating the provisions of this ordinance for violation of the terms and conditions of an order issued under Article 6, Paragraph 6.3, upon receipt of a written complaint or complaints from at least two (2) adult residents of the Town of Ferrisburgh filed with the Town Clerk. If separate complaints are received, they must be received within a reasonable period of time of one another. Upon receipt of such complaint(s) from the requisite number of people, the Town Clerk shall immediately advise the Selectboard or the Dog Enforcement Officer, as the Selectboard may from time to time direct.

The written complaint shall set forth, at a minimum, the name, address, and telephone number of the person(s) filing the complaint, shall contain a complete description of the dog, including breed, size, color, and distinguishing characteristics, and other information such that the Dog Enforcement Officer can properly and accurately identify the dog, shall contain the circumstances which constitute the violation, including dates, places, times, and nature of the activity constituting the violation, shall identify the owner of the dog the subject of the complaint, if known, and if not known, shall identify the steps the complaint(s) has taken to resolve the problem prior to filing the complaint. Prior to apprehending and impounding any dog against whom such a complaint(s) has been filed, the Selectboard, or if so directed by the Selectboard, the Dog Enforcement Officer, shall make a determination that, based upon the complaint as filed, a violation of ordinance or of an order issued under Article 6 Paragraph 6.3 had occurred. If from the complaint as filed, it cannot be concluded that a violation has occurred, the Selectboard may, but are not required, to elect to hold a hearing in the manner set forth in Article 6 above. In the event a hearing is to be held or no action taken, the complainant(s) shall be so advised.

**7.4 Enforcement of Private Property.**

The Dog Enforcement Officer, when enforcing the provision 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 Dog Enforcement Officer shall make a reasonable attempt to obtain permission from the property owner or occupant. If permission is denied, the Dog Enforcement Officer may enter the property if it can be done without breach of peace.

**7.5 Notice to Owner and Redemption.**

Not later than two (2) days after the impounding of any dog pursuant to this article, written notice shall be mailed United States mail, first class, postage prepaid, or if the owner of the dog is unknown, written notice shall be posted for at least three (3) days at three or more conspicuous places in the Town describing the dog and the place and time of taking. The owner of any dog so impounded may reclaim such dog upon payment of impoundment fees, penalties, and the license fee, if unpaid.

**7.6 Disposition of Unclaimed Dogs.**

The keeper of the pound shall keep all dogs impounded pursuant to this ordinance for a period of at least six (6) days. If at the expiration of six (6) days from the date of notice to the owner or the first day of posting the notice, such dog shall not have been redeemed, it may be sold, given away, or destroyed. Any proceeds for the sale of an impounded dog, over and above the impoundment fees, license, fees, and other charges required under this ordinance, shall be paid over to the owner, if any is found. If no owner is found within six (6) months, the excess shall be paid to the town dog control program.

**7.7 Enforcement by Injunction**

The Selectboard may elect to enforce any order issued under this ordinance, or to prohibit any acts in violation of this ordinance by petition for injunctive relief as set forth and authorized relief shall not preclude enforcement by means of any other enforcement mechanism under this ordinance.

**ARTICLE 8  
Impoundment Fees**

**8.1 Impoundment Fee.**

Any dog impounded under the provisions of this ordinance shall be released only on payment of a \$10.00 impoundment fee; provided, however, that any dog impounded for a second time in any fiscal year shall be released only on payment of a \$25.00 impoundment fee, or if so captured three (3) or more times in any fiscal year, it shall be released only upon payment of a \$50.00 impoundment fee.

**8.2 Boarding Fee.**

In addition to the impounding fees charged herein, there shall be a boarding charge of \$15.00 for each day or fraction thereof during which the dog is impounded.

**8.3 Adjustment of Fees by Resolution.**

The Selectboard is hereby empowered to adjust the impoundment fees and boarding charges provided for in this section by appropriate resolution. The Selectboard may make such adjustment in said fees and charges as they deem appropriate and necessary

form time to time. Any such resolution shall be attached to this ordinance, as filed, and copies shall be made available with copies of the ordinance.

**ARTICLE 9  
Penalties**

**9.1 First Violation.**

For the first violation of Article 3, Article 4, or Article 5, the owner of the dog shall be fined \$25.00.

**9.2 Second Violation.**

For the second violation of Article 3, Article 4, or Article 5, the owner of the dog shall be fined \$50.00.

**9.3 Third or subsequent violation** of Article 3, article 4, or Article 5, the owner of the dog shall be fined \$75.00.

**ARTICLE 10**

**10.1** Any part or provision of this 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 11  
Inconsistent Repeal**

**11.1** All ordinances or parts of ordinances, resolutions, regulations, or other documents promulgated prior to the date of this ordinance and inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

**ARTICLE 12  
Effective Date**

**12.1** This Ordinance/Amendment to the existing Town of Ferrisburgh Ordinance Relating to Dogs is hereby adopted on April 17, 2018 and shall become effective sixty (60) days from this date. All other provisions of the Town of Ferrisburgh Ordinance Relating to Dogs adopted on October 18, 1994 and May 15, 2006 other than those specifically amended herein, are hereby ratified and affirmed.

ADOPTED: April 17, 2018  
POSTED: April 18, 2018  
ADVERTISED: April 23, 2018  
EFFECTIVE: June 16, 2018

FERRISBURGH SELECTBOARD

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**AMENDMENT TO TOWN OF FERRISBURGH  
ORDINANCE REGULATING DOGS**

The Selectboard of the Town of Ferrisburgh, in the County of Addison and State of Vermont, acting under the authority of 20 V.S.A. §3549 et Seq. and 24 V.S.A. §1971 and 1974, hereby adopts this Amendment to Articles 2.2 of its existing Town of Ferrisburgh Ordinance Regulating Dogs.

**2.2 Owner.**

Owner shall mean any person, firm, association, corporation, organization, including a rescue operation, or entity (person or entity) possessing or having the care and custody of, or harboring a dog. In the event ownership is not claimed by any person or entity, the Owner shall be the person or entity in actual possession of the premises on or in which the dog is kept within the Town.

ADOPTED: April 13, 2018

MEMBERS OF THE FERRISBURGH  
SELECTBOARD

POSTED: April 18, 2018

ADVERTISED: April 23, 2018

EFFECTIVE: June 16, 2018

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Copies of the above can be reviewed at the Ferrisburgh Town Clerk's Office, 3279 US Route 7, Ferrisburgh, VT. Gloria Warden, Clerk (877-3429)