

ANIMAL CONTROL ORDINANCE

FOR THE

TOWN OF BURKE

ADOPTED: OCTOBER 1, 2001

EFFECTIVE: DECEMBER 1, 2001

**ANIMAL CONTROL ORDINANCE**

**PURPOSE:**

The Select Board of the Town of Burke being mindful of the fact that there are numerous animals in the Town and that these animals could represent a danger to people, and could also be a source of annoyance and concern to many citizens, hereby declare that it is in the best interest of health and safety of all citizens that the keeping of dogs and/or wolf hybrids within the Town limits be controlled.

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A., Section 1974a and Section 1977 et seq.

WHEREFORE, The Town of Burke, pursuant to 20 V.S.A., Section 3549, hereby ordains:

# ANIMAL CONTROL ORDINANCE

## A. DEFINITIONS:

As used in this ordinance, the following words or phrases shall have the following meanings,

**DOG or WOLF HYBRID:** Shall mean both male and female.

**OWNER:** Shall mean any person owning, keeping, or harboring a dog or wolf hybrid. The head of household having a dog or wolf hybrid in its possession shall be presumed to be the owner or possessor of such dog or wolf hybrid.

**RUNNING AT LARGE:** Shall mean off the premises of the owner and not under control of the owner or other persons.

**VICIOUS DOG or WOLF HYBRID:** Shall mean any dog or wolf hybrid that bites or snaps at, or tears the clothes in an attempt to bite any person or persons, or attempts to maim or kill another animal upon the streets, highway, sidewalks, or other places.

**TOWN POUND:** Shall mean a pound designated by the Select Board whether or not operated by the Town or whether or not located within Town limits.

**OFFICER:** Shall mean any Constable or Police Officer of the Town of Burke, State Police Officer, Sheriff, Deputy Sheriff, or a person appointed as Animal Control Officer by the Select Board.

## B. LICENSE REQUIRED

A person who owns, harbors or keeps a dog or wolf hybrid within the Town of Burke that is more than six (6) months old, shall cause it to be registered, numbered, described and licensed in the Town of Burke in accordance with the provisions of 20 V.S.A., Chapter 193 of V.S.A. as amended.

## C. COLLAR REQUIRED

A person who owns, keeps or harbors a dog or wolf hybrid within the Town of Burke shall keep on such dog or wolf hybrid, whenever such dog or wolf hybrid shall be off the premises of the licensed owner, a collar or harness. An attached license tag issued by the Town of Burke shall be fastened securely to the collar or harness. It shall be unlawful for any person other than the owner or his agent or any officer to remove a license tag from a dog or wolf hybrid.

#### **D. FAILURE TO LICENSE**

A person who keeps a dog or wolf hybrid contrary to license provisions of this ordinance shall be guilty of a violation of this ordinance. All **UNLICENSED** dogs or wolf hybrids of residents and or non-residents found within the limits of the Town of Burke shall be impounded.

#### **E. RUNNING AT LARGE PROHIBITED:**

It shall be unlawful for any person owning or possessing a dog or wolf hybrid to permit it to run or be at large within the Town of Burke. Every person owning or having a dog or wolf hybrid shall confine it to their premises when not on a leash or under the **IMMEDIATE CONTROL** of a responsible attendant.

#### **F. DISTURBING THE PEACE:**

No person having the ownership or control of a dog or wolf hybrid in the Town of Burke shall allow that dog or wolf hybrid to continually howl, bark, whine, or otherwise act so as to continually disturb the peace of one or more persons living in the Town of Burke nor shall such person allow that dog or wolf hybrid to act in a vicious, destructive manner against other persons, property, or animals in the Town of Burke. In the event the Select Board is presented with a petition by one or more persons living in the Town of Burke indicating that a dog or wolf hybrid is continually howling, barking, whining, or otherwise acting so as to disturb the peace of the person or persons signing the petition, they shall investigate such complaint, or cause it to be investigated forthwith by an officer.

#### **G. IMPOUNDING AUTHORIZED RECORDS:**

It shall be the duty of every officer to apprehend any dog or wolf hybrid found in violation of this ordinance. Upon impounding any animal, a record shall be made by the impounding officer of the breed, color and sex of such dog or wolf hybrid, where it was caught, whether licensed, and the name of the owner/keeper if known. The record of the impounding officer shall be filed with the Town Clerk of the Town of Burke.

#### **H. PROPERTY OWNERS MAY IMPOUND:**

A person finding any dog or wolf hybrid upon their property to their injury or annoyance, may take up that dog or wolf hybrid and remove it to the Town of Burke pound or they may hold the dog or wolf hybrid in their possession, and as soon as possible notify the Animal Control Officer and/or other officer of this custody, giving a description of the dog or wolf hybrid and the name of the owner/keeper if known.

#### **I. OFFICER TO TAKE POSSESSION:**

After notification of a violation of this ordinance, the Animal Control Officer or other officer defined in Section A shall appear on the premises, take possession of the dog or wolf hybrid and remove the dog or wolf hybrid to the Town of Burke pound.

## **J. NOTICE: DISPOSITION OF IMPOUNDED ANIMAL**

Upon any animal being impounded, it shall be the duty of the Animal Control officer to notify the owner, possessor, or person who harbors or keeps the animal, if known, and if not known, to post at the Town Clerk's Office, Post Office, and Transfer Station, a NOTICE containing a description of said animal and when and where caught. If no owner or person entitled to or claiming the possession of an such animal shall claim the same within seven (7) days after such notice, the Animal Control Officer of any person duly authorized by the Select Board, shall at the expiration of seven (7) days from the date of the receipt or posting of the NOTICE provided for in this section, sell, give away or dispose of in a humane manner, any such animal not redeemed or claimed by anyone taking receipt therefore, from the purchaser or recipient thereof. Day as used in this section shall mean "Business days".

## **K. REDEMPTION OF IMPOUNDED ANIMAL**

The owner or person entitled to possession of any animal impounded, may reclaim such animal upon payment of all fees, costs, and charges incurred by the Town of Burke for impounding and maintaining the said animal and any fines imposed by the Town of Burke for violation of this ordinance. The following charge shall be paid to the Town of Burke for impounding any animal: Twenty-five dollars (\$25.00) impounding fee. An additional charge for board for each day the animal is in the pound shall be paid to the pound. Upon payment of the impounding fee and boarding charge, the Town of Burke will issue a receipt therefore together with an order to the Pound Keeper authorizing the release of said animal. The impounding fee for animals, which are impounded the second time, shall be Fifty dollars (\$50.00) and Seventy-five dollars (\$75.00) thereafter, plus the additional charge as outlined above. The Select Board shall set all impounding and boarding fees annually. An unlicensed animal that has been impounded shall not be released until the Town Clerk has issued a license. The Town Clerk shall not issue a license until presented with a certificate or certified copy thereof, signed by a duly licensed veterinarian, stating that the animal has received a current vaccination against rabies with a vaccine approved by the Department of Agriculture. The animal's owner/keeper shall be responsible for contracting with the veterinarian for all fees for such vaccination.

## **L. VICIOUS DOGS OR WOLF HYBRIDS:**

If any dog or wolf hybrid bites, snaps at or tears the clothes in an attempt to bite any person or persons, and that fact shall be proven to the Animal Control Officer or other officer, that dog or wolf hybrid shall be deemed and declared by them to be a **VICIOUS ANIMAL**. Such animal shall be impounded. If any dangerous, fierce, vicious or rabies infected dog or wolf hybrid-running at large cannot be safely caught and impounded, such dog or wolf hybrid may be slain by the Animal Control Officer or any officer so named in this ordinance **WITHOUT** notice to the owner/keeper. It shall be unlawful for the owner, possessor or person harboring any dog or wolf hybrid when notified by the Animal Control Officer or other officer that such dog or wolf hybrid has bitten any person, to sell or give away such dog or wolf hybrid, or to permit it to be taken beyond the Town of Burke limits, except with the written permission of the Select Board or under the care of a licensed veterinarian. Any dog or wolf hybrid so deemed to have bitten a person shall be impounded for ten (10) days.

**M. MUZZLING:**

Whenever it becomes necessary in the judgment of the Health Officer of the Town of Burke to safeguard the public from rabies, such Health Officer shall issue a proclamation ordering and requiring every owner/keeper of a dog or wolf hybrid to confine it securely at all times upon the premises of the owner/keeper unless such dog or wolf hybrid is wearing a muzzle of sufficient strength to prevent its biting any person or other animal. Any unmuzzled dog or wolf hybrid running at large during the period of such proclamation shall be seized and impounded unless noticeably infected with rabies. All dogs so seized and noticeably infected with rabies shall be killed forthwith in a humane way by the Health Officer or any other officer named in Section A of this ordinance **WITHOUT** notice to the owner/keeper.

**N. CRUELTY:**

Any person who shall torture, or cruelly neglect to provide with necessary, sustenance or shelter, or shall beat, mutilate or kill or cause to be tortured, cruelly neglected, beaten, mutilated, killed or deprived of necessary sustenance or shelter any dog or wolf hybrid or any other animal, shall be guilty of a violation of this ordinance.

**O. POISONING OF ANIMALS:**

Any person who shall poison any dog, wolf hybrid, or any other animal or distributes poison in any manner whatsoever, with the intent or for the purpose of poisoning any dog, wolf hybrid or any other animal shall be guilty of a violation of this ordinance.

**ENFORCEMENT:**

Any person who violates a provision of this ordinance shall be subject to a civil penalty of up to Five hundred dollars (\$500.00) per violation. The Town of Burke Animal Control Officer or any other authorized officer shall be authorized to act as issuing municipal officers to issue and pursue before the Judicial Bureau a municipal complaint.

**CIVIL PENALTY:**

An issuing municipal officer is authorized to recover civil penalties in violation of this ordinance. A civil penalty of up to One hundred dollars (\$100.00) may be imposed for the violation of this civil ordinance.

**WAIVER FEE:**

An issuing municipal officer is authorized to recover a waiver fee in lieu of a civil penalty, for a person who declines to contest a municipal complaint. The waiver fee shall be set at Fifty Dollars (\$50.00) for each offense.

**OTHER RELIEF:**

In addition to the enforcement procedures available before the Judicial Bureau, the Town of Burke Select Board is authorized to commence civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.

**SEPARABILITY OF PROVISIONS:**

Each separate provision of this ordinance shall be deemed independent of all other provisions, and if any provision of this ordinance shall be declared invalid by a Court of Law all other provision of this ordinance shall remain valid and enforceable.

**EFFECTIVE DATE:**

This ordinance is adopted by the Select Board of the Town of Burke, pursuant to 20 V.S.A. Section 3549 and 24 V. SA Chapter 59, subject to the petition mentioned in 24 V.S.A Section 1973, and shall be in full force and effect at the expiration of sixty (60) days from this date of its adoption, and at which time all previous ordinances regarding dogs or wolf hybrids adopted by the Town of Burke shall become null and void.

ADOPTED THIS 1<sup>st</sup> day of October, 2001

Michael Harris: \_\_\_\_\_

Emery Noyes: \_\_\_\_\_

Kenneth Sanderson: \_\_\_\_\_

Board of Selectmen  
Town of Burke

**Certificate of Posting and Publication:**

It is hereby certified that the foregoing **ANIMAL CONTROL ORDINANCE** was published in the Caledonian Record on Wednesday, October 10, 2001

It was also posted at:

- East Burke Market, East Burke, VT
- East Burke Post Office, East Burke, VT
- Mike Gas and Redemption – West Burke, VT
- West Burke Quik Stop, West Burke, VT
- Aldrich's General Store, West Burke
- Town Clerk's Office, West Burke

Priscilla Aldrich  
Town Clerk and Treasurer