

The document below represents an existing municipal ordinance as recently amended. Passages in brackets have been deleted by the amendment; passages in boldface have been added by the amendment.

**TOWN OF CABOT
ORDINANCE FOR THE CONTROL OF DOGS**

BE IT ORDAINED BY THE SELECTBOARD OF THE TOWN OF CABOT, AS FOLLOWS:

Dogs in the Town of Cabot should be subject to the control of responsible owners and, when necessary, subject to the action of authorized personnel to protect the general welfare. Such control is necessary to minimize health hazards and public nuisances.

1. DEFINITIONS

- a. "Dogs" -- any domestic animal of the canine species.
- b. "Owner" -- any person, partnership or corporation owning, keeping or harboring one or more dogs. An animal shall be deemed harbored if it is fed or sheltered for three consecutive days.
- c. "To run at large" --- means off the premises of the owner or keeper and not under the control of a responsible person and obedient to that person's commands, or on a leash, or confined within a vehicle, or within the real property limits of the owner or keeper.
- d. "Village" -- as marked by the "no shooting" signs posted on the following roads and further described as:

Main Street: at the southerly end marked by the sign that says "Welcome to Cabot," at the northerly end 50 ft. before Houston Road.

South Walden Road: at the top of the first knoll.

Elm Street: To the box culvert below Kenneth Talbert's.

Danville Hill Road: To the village well.

Whittier Hill Road: up to the stonewall beyond the Hopwood Place.

2. LICENSE REQUIRED

It shall be the duty of every person owning, keeping or harboring a any dog over four months of age within the Town of Cabot to properly license the dog in accordance with Title 20, Sections 3581 - 3592 of the Vermont Statutes Annotated.

3. RUNNING AT LARGE

No person shall permit a dog owned or kept by him or her to run at large or be beyond the control of the owner within the village.

No dog shall be hitched or chained in such a way that it may approach closer than 20 feet to any public highway or sidewalk within the village.

No dog shall be allowed on the public school property while school is in session except when upon a leash.

No person in either the village or the town shall allow his or her dog to enter onto any public highway or trail within the town and threaten bodily harm upon any person traveling thereon. "Threaten bodily harm" shall mean biting or menacing to bite by baring teeth and/or growling. Barking unaccompanied by such menace shall not be violative of this section. A complaint shall be initiated by a written and notarized statement by an aggrieved part alleging facts supporting a violation of this section. The constable or other person appointed by the Selectboard shall send to the owner of such dog a letter, by first-class mail, together with a copy of the affidavit and notice that his or her dog has threatened bodily harm upon another upon the highway and that if such event occurs again penalties shall be imposed. The owner may contest the initial notice by requesting a hearing in writing, before the Selectboard, within 15 days of the date of such notice. The Selectboard shall determine, after hearing the parties, whether the animal was threatening another upon a highway.

4. DOGS IN HEAT

Female dogs in heat shall be confined or leashed so as to avoid the attractions of males.

5. CRUELTY

No person shall cruelly neglect to provide his or her dog with necessary sustenance or shelter, nor shall he or she cruelly beat or torment a dog, nor cause the same to be done.

6. BARKING OR HOWLING DOGS

No person shall keep or harbor any dog which by frequent or habitual barking, howling or yelping disturbs the peace and quiet of persons of ordinary sensibility. Failure of the victim or other person acting on his or her behalf to notify the owner of his or her

complaint at least once prior to action brought hereunder shall bar any action under this Ordinance.

7. IMPOUNDMENT

Any law enforcement officer, or animal officer appointed by selectmen may impound any dog allowed to be, or in, violation of this Ordinance. Any dog impounded shall be humanely kept in an Animal Shelter or kennel or pound.

The owner, if known or identifiable through the dog's license, shall be notified forthwith of the impoundment by written notice personally served or served by certified or registered mail. Such notice may be given to any competent person over 16 years of age residing with the owner.

An owner may reclaim an impounded dog by paying an impoundment fee of \$10.00 plus \$2.00 for each day the dog is impounded or the actual cost of impoundment, whichever is greater. For second and subsequent impoundments of any dog by the same owner the impoundment fee shall be \$20.00.

Impounded dogs shall be held for five consecutive days from the date of impoundment and thereafter may be disposed of in a humane manner which may include giving the dog away or euthanizing the dog. Failure to give notice as provided herein shall not render any disposal of an impounded dog unlawful.

8. ENFORCEMENT

In lieu of impoundment, any law enforcement officer or selectman's designee, may issue a Notice of Violation of this Ordinance. Said notice shall specify the type of violation and the date of the same. The owner may, at his discretion, pay a penalty of \$20.00 within 72 hours of receipt of this notice which shall bar any further proceeding, under this Ordinance. Payment shall be made to the town clerk. Each day a violation exists shall constitute a separate offense.

[9. VIOLATION A MISDEMEANOR

Violation of any provision of this Ordinance shall be a misdemeanor punishable by a fine of not less than \$45.00 and not more than \$150.00. each day a violation exists shall constitute a separate offense.]

9. PENALTY FOR VIOLATION

All actions on this chapter shall be civil in nature and violations shall be subject to a civil penalty of up to \$100.00 per offense and prosecuted under 24 V.S.A. § 1974a.

In the event any animal owner has outstanding 2 or more unpaid civil judgements on account of the same dog for more than 30 days, such dog may be impounded and after 3 days' notice to the owner, humanely euthanized.

10. SEVERABILITY

If any part or portion of this Ordinance shall be held invalid, such part shall be deemed severable, and the invalidity of the part shall not affect the validity of the remainder.

Dated at Cabot, Vermont this 30 day of APRIL, 1996.

Selectboard, Town of Cabot

R.D. Eno

Glenn Goodrich

Larry Gochey