

TOWN OF CABOT ORDINANCE FOR THE CONTROL OF DOGS

BE IT ORDNANIED BY THE SELECT BOARD OF THE TOWN OF CABOT, AS FOLLOWS:

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

A. DEFINITIONS:

- Dogs – Any domestic animal of the canine species.
- Bodily harm – Biting or in any way causing intentional bodily injury.
- Confine – To shut or keep in, enclose.
- Habitual – Done or experienced regularly and repeatedly.
- Harbored – An animal that is fed or sheltered for three or more consecutive days.
- Owner – Any person, partnership, or corporation owning, keeping, or harboring one or more dogs.
- Safety Violations – Any violation of bodily harm or threat to cause bodily harm.
- Threaten bodily harm – Attempting to bite or menacing to bite by baring teeth and / or growling.
- To run at large – Unleashed off the premises (beyond the property limits) of the owner, keeper, or harborer and not immediately obedient to the owner's commands.
- Town of Cabot – Cabot in its entirety; including the Village Center District.
- Village Center District – as designated within the 2012 Cabot Town Plan

B. LICENSE REQUIRED:

It shall be the duty of every person owning, keeping, or harboring a dog more than six months of age within the Town of Cabot to properly license such dog annually on or before April 1st in accordance with Vermont Statues Annotated Title 20 § 3581.

C. RUNNING AT LARGE:

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

No person shall hitch or chain a dog in such a way that it may approach, within 20 feet, any public highway or sidewalk within the Village Center District.

No person shall permit a dog to enter onto public school property while school is in session, except when upon a leash and under complete control of the owner.

No person in the Town of Cabot shall allow his or her dog to enter onto any public highway or trail and cause, or threaten to cause, bodily harm upon any person traveling thereon.

D. DOGS IN HEAT:

Female dogs in heat shall be confined or leashed so as to avoid the attraction of male canines.

E. CRUELTY:

No person shall neglect to provide his or her dog necessary sustenance, water, or shelter; nor shall any person beat, injure, or torment a dog; nor cause or allow the same to be done by another.

F. BARKING OR HOWLING DOGS:

No person shall own, keep, or harbor any dog which by habitual barking, howling, or yelping disturbs the peace and quiet of other persons.

G. ENFORCEMENT of SAFETY VIOLATIONS:

Complaints related to alleged safety violations, not directly under the jurisdiction of the State Police per State Statues, shall be made directly to the Selectboard, and acted upon by the Selectboard, in the following manner:

- A complaint shall be made by submitting to the board a written statement by the aggrieved party, alleging facts which support a violation of this ordinance, together with any supporting evidence or corroborative statements from others.
- The Selectboard will evaluate all documentation submitted and determine the significance and validity of the allegations based on the information provided and make a determination to pursue a violation or dismiss the allegations. The Selectboard reserves the right to request additional information in order to make a determination.
- If the Selectboard dismisses the allegations a notice shall be sent to the aggrieved party, by the Town Clerk notifying them of the board's decision .
- If the Selectboard chooses to pursue a violation of this ordinance the board shall send to the dog owner a copy of the aggrieved party's affidavit, along with a notice that his or her dog has allegedly caused or threatened to cause bodily harm upon another and notify the owner of penalties that could be imposed. Depending upon the severity of the allegations, the board may choose to either issue the dog owner a warning or set a hearing.
- If a hearing is set, a notice listing the date and time of the hearing shall be sent by the Town Clerk no less than two weeks prior to the date of said hearing to all parties.
- If a hearing is set, both parties will be given the opportunity to present evidence and to cross-examine witnesses presented by either party .
- Either party may contest any notice (initial or otherwise) by requesting a hearing before the Selectboard, in writing, within 21 days from the post mark of any such notice.
- In the event either party does not attend said hearing, a decision by the Selectboard shall be made without the input of the missing party or parties .
- The Selectboard shall determine, after said hearing, whether there was a violation of this ordinance and the action to be taken. A notice of determination shall be sent to all parties by the Town Clerk.

- Decisions made by the Selectboard after any hearing will be made with prejudice and the same offense will not be re-heard by the board.

H. ENFORCEMENT of NUISANCE VIOLATIONS:

Complaints related to alleged nuisance violations shall be made directly to the Selectboard, and acted upon by the Selectboard, in the following manner:

- A complaint shall be made by submitting to the board a written statement by the aggrieved party, alleging facts which support a violation of this ordinance, together with any supporting evidence or corroborative statements from others.
- The Selectboard will evaluate all documentation submitted and determine the significance and validity of the allegations based on the information provided and make a determination to pursue a violation or dismiss the allegations. The Selectboard reserves the right to request additional information in order to make a determination. Documented evidence of prior attempts made by the aggrieved party to address possible nuisance violations directly with the dog owner will weigh heavily on the boards decision to pursue a violation.
- If the Selectboard dismisses the allegations a notice shall be sent to the aggrieved party, by the Town Clerk notifying them of the board's decision.
- If the Selectboard chooses to pursue a violation of this ordinance the board shall send to the dog owner a copy of the aggrieved party's affidavit, supporting affidavit, and other documents, along with a notice that his or her dog has allegedly violated this ordinance and the penalties that could be imposed. Depending upon the severity of the allegations, the board may choose to either issue the dog owner a warning or set a hearing.
- Either party may contest any notice (initial or otherwise) by requesting a hearing before the Selectboard, in writing, within 21 days from the post mark of any such notice.
- If a hearing is set, a notice listing the date and time of the hearing shall be sent by the Town Clerk no less than two weeks prior to the date of said hearing to all parties.
- If a hearing is set, both parties will be given the opportunity to present evidence and to cross-examine witnesses presented by either party.
- In the event either party does not attend said hearing, judgment by the Selectboard shall be made without the input of the missing party or parties.
- The Selectboard shall determine, after said hearing, whether there was a violation of this ordinance and the action to be taken. A notice of determination shall be sent to all parties by the Town Clerk.
- Decisions made by the Selectboard after any hearing will be made with prejudice and the same offense will not be re-heard by the board.
- The Selectboard reserves the right to initiate a nuisance complaint on its own, based on evidence presented by entities such as law enforcement, constables, animal control officers, animal shelters, kennel, or pound keepers.

I. PENALTY FOR VIOLATION:

All violations of this ordinance shall be considered civil in nature (*accept where deemed otherwise by law*) and violations shall be subject to a civil penalty of up to \$500.00 per offense and prosecuted under 24 V.S.A. § 1974a.

In the event an owner has two (2) or more unpaid civil judgments, for the same dog, for more than 30 days, such dog may be impounded and notice sent, or provided, to the owner stating that after ten (10) days if said unpaid civil judgments are not paid in full, the dog shall be disposed of in a humane manner which may include giving the dog away or euthanizing the dog. In these cases impoundment fees will also be paid in full prior to the dog being released to its owner.

J. IMPOUNDMENT:

Any law enforcement officer, constable, or animal control officer appointed by Selectboard may impound a dog found to be running at large.

Any dog impounded shall be humanely kept in an animal shelter, kennel, or pound.

All reasonable attempts shall be made to identify the dog's owner either through information provided on the dog's collar, license or rabies tags, electronic chip, or any other means.

If, or when identified the owner shall be notified immediately of the impoundment either by phone, email, or written correspondence; and documented by the impounding entity.

An owner may reclaim an impounded dog by paying the impoundment fee set by the animal shelter, kennel, or pound which housed the dog.

It is permissible by way of this ordinance for the animal shelter, kennel, or pound to assess a surcharge on their regular impoundment fee of up to \$20.00 per dog, per impoundment for subsequent impoundments of any dog, by the same owner.

When a dog is impounded repeatedly for running at large; the animal shelter, kennel, or pound should notify the Selectboard; for their information and possible action under Section H of this ordinance.

Impounded dogs shall be held for no less than ten (10) consecutive days from the date of impoundment after which the dog may be disposed of in a humane manner which may include giving the dog away or euthanizing the dog, as long as all other provisions of this section have been followed.

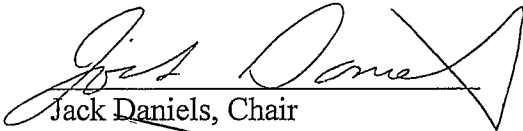
When it is documented that all reasonable attempts have been made to identify the owner of an impounded dog, and those attempts were futile, failure to notify the owner prior to disposal of the impounded dog shall not render the disposal of an impounded dog unlawful.

K. SEVERABILITY:

If any part or portion of this Ordinance for the Control of Dogs 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 15 day of may, 2013.

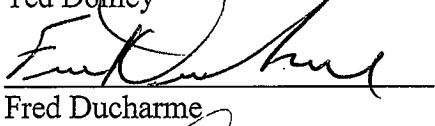
Selectboard, Town of Cabot



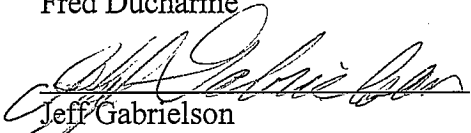
Jack Daniels, Chair



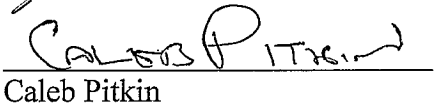
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