

DOG LEASH ORDINANCE

WHEREAS the Selectmen of the Town of Stamford have, after investigation determined that unconfined dogs running at large in the Town without control have resulted and will result in danger to persons and property of the inhabitants and that measures should be taken to protect the health, safety and welfare of the public. NOW THEREFORE, pursuant to authority granted them by Section 3549 of Title 20 Vermont Statutes Annotated, the Board of Selectmen of the Town of Stamford hereby ordain and enact as follows:

A violation of this ordinance will be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1971(b). A civil penalty may be imposed for the initial and any subsequent violation. Each day that the violation continues will constitute a separate violation of this ordinance.

Section 1. DEFINITIONS. As used in this ordinance, the following terms shall have the respective meanings here assigned to them.

- (a) DOG: Any animal of the canine species.
- (b) OWNER: Any person or group of persons who own, harbor, or permit any dog to be or remain in or about buildings or premises owned or occupied by him or them.
- (c) VICIOUS DOG: A dog which causes reasonable fear or bodily injury by attacking or threatening to attack any person except as such person may be in the act of unlawfully trespassing upon the private property of the owner.
- (d) NUISANCE DOG: A dog which barks or howls continuously so as to disturb adjoining property owners. Said dog shall be declared to be a public nuisance and shall be subject to remedies allowed by law in accordance with Title 24, Chapter 61, Section 2291 (14) Vermont Statutes Annotated and local ordinances. Also, a dog which damages real or personal property or steals personal property of someone other than the dog's owner, or harasses people or other animals.
- (e) UNCONTROLLED DOG: Any dog which violates Section 5 of this ordinance.

Section 2. LICENSE REQUIRED. It shall be the duty of every person owning, keeping or harboring any dog over six months of age, within the Town of Stamford, to procure a license therefore in accordance with Chapter 193, Title 20 of the Vermont Statutes Annotated as amended.

Section 3. When a dog is behaving so as to be deemed a NUISANCE DOG, said dog shall be immediately impounded by the Animal Warden, or if the Animal Warden is unavailable, a police officer. If the owner is unknown, the penalties provided under Section 10 of this ordinance shall apply. After payment of the penalties provided, the dog shall be released to its owner under the provisions of Section 4 and 5 of this ordinance for thirty (30) days from said release for this first offense, sixty (60) days for the second offense, and permanently for the third offense. If there is any violation of the permanent confinement, the dog shall be humanely disposed of at the owner's expense.

Section 4. The owner or keeper of a dog in the Town of Stamford shall at all times confine the dog within a building or other secure enclosure or securely tied to an exercise wire or similar contrivance, except as herein otherwise provided.

Section 5. Such owner or keeper may have his dog outside a building or enclosure or not otherwise confined or restrained as required in Section 4, but only when the dog is:

- (a) Securely held on a leash;
- (b) Within a vehicle preventing escape;
- (c) On land owned or occupied by such dog owner or keeper, or, if not on such land, hunting with its' owner or keeper;
- (d) Clearly subject to the verbal command of such owner or keeper and within sight of the owner or keeper and not trespassing upon the lands of others.

Section 6. The owner or keeper of a dog may release said dog in the charge of his duly authorized agent, who shall thereupon control the dog in one of the ways provided in Sections 4 and 5.

Section 7. DOG IN HEAT. The owner of any dog in heat shall keep her confined or on a leash at all times and shall not permit such dog to be at large within the Town of Stamford. Every such dog running at large is hereby declared to be a public nuisance and shall be impounded, and the owner, keeper or person harboring such a dog shall be guilty of a violation of this ordinance and subjected to the penalties hereinafter provided.

Section 8. VICIOUS DOG. No person shall keep or harbor a dog deemed vicious under the terms of this ordinance. A dog known to be vicious or to have attacked a person or animal or to have done damage constituting a menace to the public health and safety shall, at the discretion of the Animal Warden or a police officer, be impounded by the Town, or strictly confined by the owner until the outcome of a hearing. A hearing shall be convened within 14 days of the receipt of the complaint by the Chairman of the Board of Selectmen, and all parties shall be represented. The Hearing Board shall consist of the Board of Selectmen. After presentation of all evidence, the Board shall issue findings of fact, and if warranted, an order may be issued to chain or otherwise securely confine the animal permanently, or muzzle the dog whenever off-premise, or dispose of the dog in a humane manner. The owner shall be responsible for all costs of impoundment and/or disposal. When the owner of the dog deemed to be vicious is unknown, the dog shall be disposed of in a humane manner.

Section 9. ANIMAL WARDEN. The Board of Selectmen shall designate a person to act as Animal Warden to enforce the provisions of this ordinance. It shall be the duty of the Animal Warden to seize and impound any dog found to be in violation of the provisions of this ordinance, assisted by a police officer as required. The Selectmen shall also designate the names

of the persons and their locations to receive dogs for confinement under the terms of this ordinance.

Section 10. IMPOUNDMENT AND PENALTIES. The Animal Warden shall confine a dog found to be in violation of this ordinance. The Animal Warden shall notify the owner or keeper of such dog, if known, of the location where and the person with whom the dog is confined. If a dog so confined is licensed, the Animal Warden shall forthwith give notice by telephone initially, with response from the owner to be within six (6) hours of such telephone notice. If there has been no response within the six (6) hours, notice in writing to the owner shall be mailed to the owner at his last known address, by certified mail with return receipt stating that the dog may be reclaimed within five (5) days from the receipt of said notice. If the dog is not claimed, the dog shall be disposed of in a humane manner. The owner shall be liable for all costs incurred by the Town for said disposal. The owner of any licensed dog impounded the first time shall be fined \$15.00 plus any charge incurred by the Town for the impoundment of the dog. If any licensed dog shall be impounded for a second time for being in violation of this ordinance, the Animal Warden shall proceed as in the case of the original impoundment, except that such dog shall be released only upon payment to the Town of a fee of \$30.00 plus any charge incurred by the Town for the impoundment of the dog.

If an unlicensed dog is impounded by virtue of this ordinance, the Animal Warden shall confine such dog for ten (10) days. If, after ten (10) days, it has been impossible to determine the owner of such dog, the dog shall be disposed of in a humane manner. If the owner of an unlicensed dog is located and the owner wishes to reclaim the dog, the Animal Warden shall not release the dog until all required licenses have been obtained and evidence of anti-rabies inoculation is shown. The owner shall also pay to the Town a fee of \$15.00 plus any charge incurred by the Town for the impoundment of the dog. If the dog has been disposed of, the owner shall be liable for all costs incurred by the Town.

Section 11. SEVERABILITY. The various provisions of this ordinance shall be construed as separable. The invalidity of one provision shall not render invalid the remaining provisions unless the invalid provision is essential to the enforcement thereof.

Section 12. PUBLICATION AND EFFECTIVE DATE. Upon adoption of this ordinance, it shall be printed in full in the Minutes of the Board of Selectmen, posted in five (5) conspicuous places within the Town of Stamford, and published once in the North Adams Transcript within fourteen (14) days after its adoption and shall become in full force and effect sixty (60) days after the date of adoption subject to the right of provision provided by law.

Adopted June 16, 1983 and shall become effective sixty (60) days from the date.

Amended September 14, 1989 and shall become effective sixty (60) days from the date.

Section 1 - Definitions (d) and (e) and Sections IV, V, VI.

Amended August 27, 1998

Added entire second paragraph, "A violation of this ordinance will be a civil matter.....will constitute a separate violation of this ordinance."

Readopted the entire ordinance with the new amendment on August 27, 1998 and shall become effective sixty (60) days from that date on October 26, 1998.

William B. Morehouse, Jr., Chairman Board of Selectmen

Raymond A. McQuoid

Paul J. Donovan