

**ORDINANCE FOR THE CARE AND CONTROL OF DOGS
IN THE TOWN OF MILTON**

Pursuant to Title 24 Chapter 59 of the Vermont Statutes Annotated and the Charter of the Town of Milton, the Selectboard of the Town of Milton hereby ordains the following:

Section 1	Authority
Section 2	Title
Section 3	Definition
Section 4	Dog Running at Large and/or Unlicensed
Section 5	Dog Disturbances
Section 6	Dog Bites
Section 7	Damage Caused by Dogs
Section 8	Disposition of Claimed/Unclaimed Dogs
Section 9	Impounding
Section 10	A.C.O./Pound Keeper/ Appointment
Section 11	License & Registration
Section 12	Fees and Penalties
Section 13	Owner/Keeper Responsibility to Clean Up
Section 14	Public Notice and Implementation
Section 15	Separability

Section 1 This Ordinance is adopted pursuant to the authority of Title 24, V.S.A. Chapter 59 and the Charter of the Town of Milton, and it is designated as a Civil Ordinance. All prior ordinance/amendments for the Care and Control of Dogs in the Town of Milton are hereby repealed.

Section 2 **Ordinance for the Care and Control of Dogs in the Town of Milton**

Section 3 **Definition:**

- a. "Dog" shall include both male and female of the canine species, dingo and a wolf-hybrid as defined in V. S. A., Title 20, Section 3541.
- b. "Owner" shall include any person, or persons, firm, association or corporation owning, keeping, or harboring a dog.
- c. "At Large" shall mean off the premises of the owner and not under the control of the owner or member of his/her immediate family or agent of the owner, either by leash, cord, chain or other appropriate means so that at all times the dog can be prevented from causing any damage, disturbance or annoyance.
- d. "Vicious Dog" shall mean a dog which causes immediate fear or bodily harm by attack or threatening to attack a person/pet.
- e. "Hunting Dog (s)" are a special case and will be handled on an individual basis, ONLY WHEN THEY MAY BE SHOWN TO ACTUALLY BE ENGAGED IN HUNTING ACTIVITY UNDER SUPERVISION.
- f. "Nuisance/disturbance" shall include without limitation, a dog described herein that molests, harasses, attacks other dogs/pets, passerby and/or vehicles, causes directly or indirectly, loss/damage to property of another person, defecates/urinates off the premises as noted herein, barks, whines, howls or cries. as to disturb the peace and quiet of another person(s). Enforcement officers may use their discretion to determine if the animal is a nuisance.

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- g. "Right to Kill" domestic pets/wolf-hybrid is defined in V.S.A., Title 20, Section 3545
- h. "Pet"/ "Domestic Pet" refers to any domesticated animal, including those defined in V.S. A., Title 20, Section 3541.
- i. Animal Control Officer (A.C.O) refers to any person appointed by the Town Manager to carry out the duties and responsibilities in Section 4b below.
- j. Pound Keeper refers to the person who enters into a Contract with the Town.
- k. Fees/costs refers to the fees and costs set by the Selectboard through the budget process, and amended from time to time by in accordance with Section 12 c & d herein (by resolution).
- l. Any of the above definitions referred to, or referenced herein, in the singular include the plural and the plural includes the singular.
- m. Documents noted herein shall be in written form, i.e. complaints/notices/orders.
- n. Bite refers to action causing a break in the skin by a tooth.

Section 4 Dog Running at Large/And Or Unlicensed

- a. A person who owns, harbors, keeps or controls a dog(s) shall not allow a dog to run at large off his/her premises on any public or private property.
- b. It shall be the duty of every police officer, constable, Animal Control Officer (A.C.O.), or assistant designated by the Town Manager, for the Town of Milton to carry out the duties of the A.C.O..**

Section 5 Dog Disturbances

- a. No person shall keep or harbor a dog which, by frequent or long continued noise, disturbs the comfort or repose of persons in the vicinity as defined in Section 3f herein.
- b. It shall be the duty of every police officer, constable, A. C. O. or properly qualified assistant in Milton, upon receiving a complaint, to investigate such complaint against the dog causing or having caused damage, disturbance or annoyance contrary to the provisions of this Ordinance.

Section 6 Dog Bites

- a. It shall be the duty of every owner or keeper, upon receiving notice that a dog has bitten any person or other domestic animal to furnish, upon request, proof a dog has been properly inoculated and registered with the Town Clerk, and if unable to do so, the dog must be immediately placed in Municipal Pound or veterinary hospital for a period of ten (10) days. Any dog in violation of this section, which has been properly inoculated, and registered may be confined by the owner/keeper. The date and time of confinement shall be furnished to the police department by the owner or keeper of the dog within twenty-four (24) hours of the incident or notification of such incident, as well as the name and the location of the veterinary hospital, if one is utilized. b. The Chief of Police, the Town Health Officer, and the Town Manager, shall be notified immediately by the veterinarian, pound keeper, owner/ keeper, of the death of any such dog(s) under observation. The dog may be released to its owner/keeper upon payment of all costs of confinement and care of and handling of said dog.

Section 7 Damage Caused By Dogs:

If a dog is suspected of rabies, the procedure set in V.S.A. Title 20, shall apply. Otherwise the following procedure must be followed:

- a. A person suffering loss/damage by a dog, including without limitation, by worrying, maiming, attacking or killing a pet/dog, while the dog causing loss/damage is off the premises of

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the owner/keeper, the person/keeper shall file a complaint with the Police Department and the Selectboard. The complaint shall contain the time, date and place where the incident occurred, a description of the dog, the name and address of the person owning the dog involved and any other facts that may assist in the investigation.

The Selectboard, within seven (7) working days from the date of the receipt of a complaint, shall have said charges investigated with written facts and findings submitted to them within thirty (30) working days from the date of receipt of the complaint. Within ten (10) working days of the receipt of the facts and findings, the Selectboard, shall give notice to all concerned of the date, time and place of a hearing where facts will be presented.

If a dog is found to have caused loss/damage, the Selectboard shall make such order as to the facts and circumstances, and may require, for the protection of the public welfare, including without limitation, that the dog be disposed of in a humane way, muzzled, chained, or confined. An owner/keeper who fails to comply with the terms of the order shall be subject to the penalties provided in this Ordinance and/or governed by statute.

The owner/keeper of the dog causing loss/damage shall pay all costs incurred in bringing resolution to the case, including without limitation, all costs incurred by Town and the owner/keeper of the victim.

b. Failure of the owner/keeper to act in accordance with the Section will result in the disposal of the dog in a humane way, or turned over to the Humane Society.

Section 8 Disposition of Claimed/Unclaimed Dogs

a. The owner or keeper of any impounded, unlicensed dog(s) may reclaim such dog upon 1) payment of all penalties, 2) proof of current licensing, 3) payment of impounding fee and all expenses/charges incurred by Pound Keeper/A.C.O. and other fees provided herein, not to exceed \$500.00 per violation in accordance with Title 20, Section 3550 of V.S.A.

b. It shall be the duty of the Pound Keeper or assistant to keep all dogs impounded under the provisions of this Ordinance for a period of six (6) days, including the day of impoundment. Any dog not reclaimed within six (6) days will be turned over to the Humane Society.

Section 9 Impounding

a. After the impounding of any dog, the Pound Keeper shall make every effort to contact the owner within twenty-four (24) hours if ownership can be established. If possible, notification shall be made no later than two (2) days. If the owner of the dog is unknown, written notice shall be posted for at least three (3) days in two (2) or more conspicuous places within the Town.

b. All dogs impounded and/or disposed of under Section 6 shall be recorded with the Town Managers Office. The A.C.O. and/or Pound Keeper shall inform the Town Managers Office in writing, of dogs impounded and taken to the Humane Society, on a monthly basis unless otherwise requested by the Town Manager.

Section 10 A.C.O./Pound Keeper Appointment

a. The Town Manager shall appoint one or more qualified A. C. O. and a Pound Keeper and/or assistant. The Town Manager shall enter into an agreement with the A. C. O. as to his/her fees

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for handling animal complaints while serving in the Town's interest, and enter into a contract with the Pound Keeper for his/her maintenance of dogs properly impounded. The fees established shall be paid to the Town/Pound Keeper/Agent by the owner/agent at the time the dog is reclaimed as provided. Amendment to these fees/charges/fines may be changed by resolution of the Selectboard, posted on the Town's Website and the Town Clerk's Office. Said amendment(s) shall be come effective ten (10) days from the date of postings.

b. The Town Manager shall adopt a job description, rules and procedures with the A.C.O. and Pound Keeper as deemed necessary. These shall be reduced to writing and attached to this ordinance as a permanent record.

Section 11 License and Registration

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

b. Any person who releases, in an effort to dispose of, a dog within the Town limits shall be assessed a penalty of fifty dollars (\$50.00) for each dog released, plus any other expenses incurred.

c. A person who owns, harbors, or keeps a dog within Town limits, off the premises of the licensed owner/or keeper shall cause the dog to be collared/ harnessed. The license tag issued by the Town shall be secured to the collar/harness and only be removed by the owner/keeper, or his/her agent, or any officer noted herein.

d. A dog not licensed or properly inoculated by the due date, may be seized or detained by A.C.O./police officer and/or assistant who is authorized and empowered to enter upon the premises and enter any structure to seize or detain a dog. A dog will be kept by the Town, at the owner's expense, for a period of thirty (30) days to afford the owner/keeper an opportunity to pay in full all fines, penalties, fees and costs of what so ever kind, and to obtain a license an/or inoculation. At the end of thirty (30) days, if payment in full has not been received by the Town, the dog will be disposed of in a humane way or turned over to the Humane Society.

Section 12 Fees and Penalties

a. Any dog impounded under the provisions of this ordinance shall be released only upon a payment of a \$30.00 impoundment fee; provided, however, that any dog impounded the second time shall be released only on a payment of a \$40.00 impoundment fee, and if so captured three or more times it shall be released only on a payment of a \$50.00 impoundment fee.

b. In addition to the impounding fees charged herein, there shall be additional fee/charge to be paid to the Town/Pound Keeper before the dog is released. Fees for A.C.O. and Pound Keeper Service are subject to inclusion in an approved Animal Control Budget, and/or revised from time to time by resolution of the Selectboard. They are as follows (not meant to be inclusive):
Boarding fee- a fee for each day or a fraction thereof during which the dog is impounded;
Mileage- an amount per mile based upon the Policy in effect; Call out, Response, Transport, Special Handling and other charges as deemed in the best interest of the Town. The Agreement and Contract with the A.C.O and the Pound Keeper will be amended by the Town Manager, based upon the approved Budget and resolutions by the Selectboard.

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c. An Issuing Municipal Official is authorized to recover a waive fee for violations of this Ordinance, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amount for each violation:

First Offense	\$ 25.00
Second Offense	50.00
Third Offense	100.00
Fourth Offense	200.00

Violations shall be counted on a calendar year basis.

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First Offense	\$ 25.00
Second Offense	50.00
Third Offense	100.00 or obtain dog training with a Town approved dog trainer in lieu of a fine
Fourth Offense and subsequent offenses	200.00

Violations shall be counted on a rolling 12 month basis.

The Town Manager is authorized to commence a civil action to obtain injunctive relief, or to collect civil penalties in excess of the amounts set forth by above, by commencing the appropriate action in Superior Court.

e. Any owner/keeper with unpaid ticket/penalty within thirty (30) days from the fourth and subsequent offense will have their dog picked up and disposed of in a humane way or turned over to the Humane Society.

Section 13 Owner/Keeper Responsibility for Clean Up

Within the geographical boundaries of the Town of Milton, a person who owns a dog, or is responsible for the keeping or control of a dog, shall be responsible for cleaning up all excrement deposited by the dog when the dog is off such persons' property. The owner/keeper of such dog shall not dispose of such waste on other public or private property or in a container not intended for that use. This Section shall not apply to a blind person accompanied by a guide dog. Violation of this Section will result in a fine as provided for in Sections 11 and 12 hereof.

Section 14 Public Notice and Implementation

- 1. Public Notice:** The Town of Milton Selectboard shall make reasonable efforts to ensure that the public is notified of the existence of this Ordinance: Ordinance for the Care and Control of Dogs.
- 2. This Civil Ordinance is hereby adopted, as amended, by the Milton Selectboard January 18, 2011 AD and shall become effective February 28, 2011, or as noted in this Ordinance unless a petition is filed as provided by law.**

Public Hearing Held: January 18, 2011
Amendments Published: January 6, 2011 Milton Independent

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Section 15 Separability

The provisions of this Ordinance are hereby declared to be separable if any part thereof be declared unconstitutional or invalid, that part shall not affect the remainder of this Ordinance.

Selectboard:

January 18, 2011

Denis J. Mossey III

Dodot Plegaud

[Signature]

John C. Vifford

John W. Barlett

Sent for review and approval to Town Attorney, Gregg Wilson 12-28-2010

Filed with the Town Clerk: 1-19-11

Attest: *Loretta R. Dennis*

 ASST Clerk

Resolution

Ordinance for the Care and Control of Dogs in the Town of Milton

WHEREAS, the Milton Selectboard duly warned a Public Hearing on January 6, 2011 to notify those interested persons of a public hearing to be held on January 18, 2011 at 6:30 P.M. with regard to the proposed amendments to the Ordinance for the Care and Control of Dogs in the Town of Milton; and,


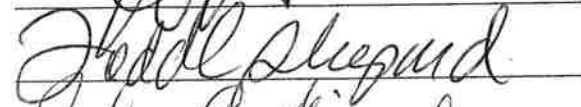

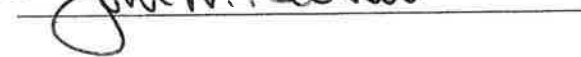
WHEREAS, the Milton Selectboard met on January 18, 2011 to consider and address comments received from the public; and,

WHEREAS, the Milton Selectboard hereby amends the Ordinance for the Care and Control of Dogs in the Town of Milton dated 6-18-2008.

NOW THEREFORE BE IT RESOLVED, the Milton Selectboard after consideration of the input received, adopts the Ordinance for the Care and Control of Dogs in the Town of Milton, as a Civil Ordinance, to become effective February 28, 2011.

Dated: January 18, 2011

Milton Selectboard:

Filed with the Town Clerk 1-19-11

Signed: 
A887 Clerk

