

JOHNSON DOG CONTROL ORDINANCE

PREAMBLE: The Selectmen of the Town of Johnson being mindful of the fact that there are numerous dogs running at large in the Town and that these dogs represent a danger not only to young children but also are a source of annoyance and concern to many citizens hereby declare that it is in the best interest of the health and safety of all citizens that the keeping of dogs within the Town limits be controlled.

WHEREFORE: The Town of Johnson hereby ordains:

DEFINITIONS: As used in this Ordinance the following words or phrases shall have the following meanings:

"Dog" shall mean both male and female.

"Owner" shall mean any person owning, keeping or harboring a dog.

"Running at Large" shall mean off the premises of the owner and not under control of the owner or another person by leash, cord or chain.

"Vicious Dog" shall mean any dog which bites or snaps at or tears the clothes in attempt to bite any person or persons.

"Town Pound" shall mean a pound designated by the Selectmen whether or not operated by the Town or whether or not within the Town limits.

"Officer" shall mean any police officer and/or Constable to the Town of Johnson or person appointed "dog officer" by the Selectmen.

LICENSE REQUIRED: A person who owns, harbors or keeps a dog within the Town that is more than four months old shall cause it to be registered, numbered, described and licensed in accordance with the provisions of Title 20, Chapter 193 of the Vermont Statutes Annotated, as amended.

COLLAR REQUIRED: A person who owns, harbors or keeps a dog within the Town limits shall keep on such dog whenever such dog shall be off the premises of the licensed owner a collar or harness and fasten securely to the collar or harness, and keep attached to it the license tag issued by the Town. 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.

FAILURE TO LICENSE: A person who keeps a dog contrary to license provisions of this ordinance shall be guilty of a misdemeanor. All unlicensed dogs found within the limits of the Town shall be impounded.

RUNNING AT LARGE PROHIBITED: It shall be unlawful for any person owning or possessing a dog to permit it to run or be at large within the Town and every person owning or having a dog shall confine it to his or her premises when not on leash and under the immediate control of a competent and responsible attendant.

BARKING PROHIBITED: It shall be unlawful for any person owning or possessing a dog to permit it to disturb the quiet of any person by barking or howling.

IMPOUNDING AUTHORIZED: RECORDS: It shall be the duty of every officer to apprehend any dog found running at large and to impound such dog in the Town pound. Upon impounding any dog, a record shall be made by the impounding officer of the breed, color and sex of such dog, where it was caught, and whether licensed. The record of the impounding officer shall be filed with the Town Clerk.

PROPERTY OWNER MAY IMPOUND: Any person finding any dog upon his property to his injury or annoyance may take up same and remove it to the Town pound or he may hold the dog in his possession, and as soon as possible notify the Town dog officer of this custody, giving a description of the dog and the name of the owner if known.

OFFICER TO TAKE POSSESSION: A dog officer representing the Town will as soon as possible after receiving notice appear at the premises and take possession of the dog, and remove it to the Town pound.

NOTICE, DISPOSITION OF IMPOUNDED DOGS: Upon any dog being impounded, it shall be the duty of the Dog Officer to notify the owner, possessor, or person who harbors or keeps the same, if known, and if not known to post at the Town Clerk's Office, a notice containing a description of said dog and when and where caught. If no owner or person entitled to or claiming the possession of any such dog shall claim the same within five full days after such notice, the Dog Officer or any person duly authorized by the Selectmen to do so may at the expiration of five 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 dog not redeemed or claimed by anyone, taking a receipt therefore from the purchaser or recipient thereof. "Day" as used in this section shall mean business days.

REDEMPTION OF IMPOUNDED DOGS: The owner or person entitled to possession of any dog impounded for having been found without a license or being at large, may reclaim such dog upon payment of all fees, costs and charges incurred by the Town for impounding and maintaining the said dog during which the dog is impounded or the actual cost to the Town of impounding said dog. Upon payment of the impounding fee and boarding charge, the Dog Officer or Town Clerk will issue a receipt therefor together with an order to the pound keeper authorizing the release of said dog.

VICIOUS DOGS: If any dog bites, snaps at, or tears the clothes in an attempt to bite any person, persons, and that fact shall be proven to the Selectmen that dog shall be deemed and declared by the council to be a vicious animal. Such animal shall be confined to the premises of the owner or muzzled with a muzzle of sufficient strength to prevent its biting any person. Any such vicious dog which is found unmuzzled and running at large shall be seized and killed without notice to the owner. If any dangerous, fierce, vicious or rabies infected dog running at large cannot be safely caught and impounded, such dog, may be slain by any Dog Officer. It shall be unlawful for the owner, possessor or person harboring any dog, when notified by the Dog Officer that such dog has bitten any person,

to sell or give away such dog, or to permit it to be taken beyond the limits of the Town except with permission of the Selectmen or under the care of a licensed veterinarian.

CRUELTY: Any person who shall torture, torment, or cruelly neglect to provide with necessary sustenance or shelter or shall cruelly beat, needlessly mutilate or kill or cause or procure to be tortured, tormented, beaten, needlessly mutilated, killed or deprived of necessary sustenance or shelter any dog or other animal, shall be guilty of a misdemeanor.

POISONING DOGS: Any person who shall poison any dog, distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog, or dogs, shall be guilty of a misdemeanor.

PENALTY: A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974a and 1977 et seq. A civil penalty of **\$100.00** may be imposed for the initial violation of this civil ordinance. The penalty for the second offense within a six month period shall be **\$200.00**, and the penalty for subsequent offenses within a six month period shall be **\$500.00**. The waiver fee shall be set at **\$50.00** for the first offense, **\$100.00** for the second offense within a six month period, and **\$250.00** for all subsequent offenses within a six month period, if paid within 20 days. Each day that the violation continues will constitute a separate violation of this ordinance.

SEPARABILITY: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ORDINANCE REPEALED: All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Dated at JOHNSON this 16th day of June A. D. 1997.

[Signature]

[Signature]

[Signature]

[Signature]

Bradley REED

JOHNSON DOG CONTROL ORDINANCE

The Johnson Dog Control Ordinance was adopted by the Town of Johnson Selectboard on June 16, 1997 and will be effective sixty (60) days after publication.

Posted in the Johnson Town Clerk's Office, the Johnson Post Office, Merchants Bank, Grand Union Store and DJ's Deli. Notice of the Ordinance was published in the News & Citizen, the official Town newspaper, the week of June 26, 1997. It will take effect on August 26, 1997 unless a petition signed by at least five percent of the voters of the Town of Johnson is filed with the Town Clerk by July 7, 1997 asking for a vote to disapprove the ordinance. If a petition is received, the Town of Johnson Selectboard will warn a special meeting and the voters may vote on that question.