

TOWN OF FAIRFAX DOG ORDINANCE

DIVISION I-GENERAL

Section I- Definitions

As used in this article certain words and phrases shall have the following meanings ascribed to them:

Pound: Shall mean a place of impoundment for dogs designated by the Selectmen, whether or not operated by the Town, and whether or not within the Town limits.

Dog: Shall mean both male and female, and shall include wolf-hybrids,

Officer: Shall mean any police officer, sheriff, state police officer, constable, or other person appointed as "dog officer" by the Selectmen.

Owner: Shall mean the person owning, keeping, or harboring a dog. The head of a household having a dog in his possession shall be presumed to be the owner or possessor of such dog.

Running at large: Shall mean off the premises of the owner and not under the control of the owner or other competent person.

Vicious Dog: Shall mean any dog which bites, snaps at or tears the clothes or any person upon the streets, sidewalks or other public places, or on the property of someone other than the owner.

Section II-Running at large

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 under the immediate control of a competent and responsible attendant. When there is a complaint of a dog running at large within the Town limits, written notice shall be given to the dog owner by the Selectmen or the Constable, that in the event of another complaint of the dog running at large, the animal shall be caused to be caught and impounded. If for any reason, the Selectmen or the Constable determine that said animal cannot be caught and impounded, said dog owner shall be liable for the fines outlined in Section 6 of Division 1.

Section III-Disturbing the peace by barking

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. Excessive barking is defined as being of sufficient duration as to be offensive or disturbing to a reasonable person. When there is a verified complaint of a dog disturbing the peace within Town limits, written notice shall be given to the dog owner by the Selectmen or Constable, that in the event of another complaint of the dog disturbing the peace, said owner shall be liable for the fines outlined in Section 6 of Division 1.

Section IV-Vicious Dogs

A. If any dog bites, snaps at, or tears the clothes of any person and such fact shall be proven by the Selectmen, and/or Constable, such dog may be deemed and declared by the Selectmen, and/or Constable, to be a vicious animal. Such animal shall be confined to the premises of the owner and muzzled with a muzzle of sufficient strength to prevent its biting any person. Any such vicious dog which is found not muzzled and/or running at large may be seized and disposed of by any officer without notice to the owner.

B. It shall be unlawful for the owner, possessor, or person harboring any dog, when notified by the Selectmen, and/or Constable that such dog has bitten any person, to sell or give away any such dog, or permit it to be taken beyond the limits of the Town except with the permission of the Selectmen and/or Constable, or under the care of a licensed Veterinarian.

Section V-Authority for officer to destroy certain dogs

If any dangerous, fierce, vicious or suspected rabies-infected dog running at large cannot be safely caught and impounded such dog may be slain by any officer.

Section VI-Penalties and Enforcement.

This ordinance is a civil ordinance and enforcement shall follow the procedures described in 24 V.S.A. SS 1974 (a) including, but not limited to:

- 1) A civil penalty of not more than \$500.00 may be imposed for a single violation of this ordinance. Each day the violation continues shall constitute a separate violation.
- 2) A Waiver Fee for a Municipal Complaint issued by a Town of Fairfax, Issuing Officer, to recover civil penalties using the Schedule A

Schedule A Waiver Fee Penalties

***The current Court Administration fees must be added to the fine amount.**

Violation	First Violation	Second Violation	Third Violation
<u>Sections II, III & IV</u>	*\$25.00	*\$50.00	*\$75.00

All subsequent offenses within a 12 month period - \$100.00 per offense

- 3) In accordance with the procedure of the Traffic and Municipal Ordinance Bureau, a waiver fee of up to 75% of the civil penalty established using Subsection (2) of this article to which a violator of this ordinance is subject shall be assessed for those violators who admit or do not contest the ordinance violation and pay the waiver fee which amount and the date of the acceptance of the waiver fee shall be affixed to the complaint or notice.
- 4) Violations of this ordinance where the penalty is \$500.00 or less shall be brought before the Traffic and Municipal Ordinance Bureau. If the penalty for all continuing violations is greater than \$500.00, or injunctive relief, other than as provided in subsection (c), is sought, the action shall be brought in Vermont Superior Court.
- 5) The Municipal Ordinance Bureau Hearing Officer, on application of the Town of Fairfax, may order that the ordinance violation cease.

DIVISION II-LICENSES

Section I-License Required

Every person who owns, harbors, or keeps within the Town a dog that is more than six (6) months old shall cause said dog to be registered, numbered, described, and licensed in accordance with state law.

Section II-Collars required; License tag to be attached to collar

Every 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 which shall have the license tag issued by the Town, and a valid rabies tag, fastened securely thereto.

Section II a - Rabies Vaccination Exemptions

Vermont law 20 VSA § 3581 (d), provides that “before obtaining a license for a dog or wolf-hybrid six months of age or older, a person shall deliver to the municipal clerk a certificate or a certified copy thereof signed by a duly licensed veterinarian, stating that the dog or wolf-hybrid has received a current pre-exposure rabies vaccination with a vaccine approved by the commissioner (of agriculture)...”

Although the Commissioner of Agriculture has, by rule, approved certain vaccines, the Commissioner has also adopted a rule providing that no vaccine needs to be administered to a dog or wolf-hybrid if “in the judgment of the veterinarian, the animal’s medical condition would prevent the development of adequate immunity to rabies.” Usually these animals are very old and sick dogs or dogs that have suffered a life-threatening adverse rabies vaccine reaction. In such cases, the municipal clerk should issue a license upon receiving a certificate or a certified copy thereof signed by a duly

licensed veterinarian, stating that the animal's medical condition exempts the animal from vaccination.

Should a licensed but unvaccinated dog bite someone, the dog must be observed for ten (10) days to rule out rabies. The Department of Health will work closely with municipal officials in such situations.

If you have any questions about the above, please contact the Department of Health at (802) 863-7242, or the Department of Agriculture at (802) 828-3434.

Section III-Removal of license tag prohibited

It shall be unlawful for any person other than the owner, his agent or any officer to remove the license tag from a dog.

Section IV-Penalty for failure to have dog licensed

Each person who keeps a dog contrary to the license provisions of this ordinance shall be guilty of a violation of this ordinance. All unlicensed dogs found within the limits of the Town **may** be impounded as provided herein. In addition to impoundment, the owner of said unlicensed dog may be subject to a fine of \$75.00.

Division III-Impoundment

Section I-Impoundment authorized; records

- A. The Selectmen or Constable are hereby authorized to have any dog found running at large contrary to the provisions of this ordinance impounded.
- B. Upon impounding any dog, a record shall be made by the Constable of the breed, color, and sex of such dog, where it was caught, and whether it was licensed. The records of the Constable shall be filed with the Selectmen and made available to any owner (s).

Section II-When property owner may impound.

Any person finding any dog upon his property to his injury or annoyance may take up the dog and remove it to the pound, or may hold the dog in his possession, and as soon as possible notify the Constable of such custody, giving a description of the dog and name of the owner if known. The Constable, as soon as possible after receiving such notice will take possession of the dog and remove it to the pound.

Section III-Notice of impoundment

Upon any dog being impounded, the Constable shall make every reasonable effort to notify the owner, possessor or person who harbors or keeps said dog.

Section IV-Redemption of impounded dogs

- A. The owner, or person entitled to the possession of any dog impounded for a violation of this ordinance, may reclaim such dog upon the payment of all fines, fees, costs and charges incurred by the Town, and the officer for impounding and maintaining the dog.
- B. Upon payment of all fines, fees and expenses, the Town Clerk will issue a receipt therefore together with an order authorizing the release of said dog.

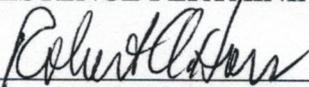
Section V-Impoundment Fees

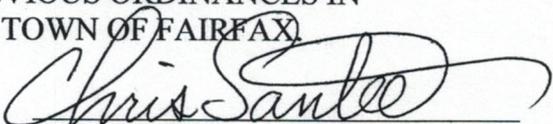
The fees to be paid to the Town for impounding any dog shall be twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense, seventy-five dollars (\$75.00) for the third offense and one hundred dollars (\$100.00) for all subsequent offenses within twelve (12) month period. **A boarding fee will be charged which equals the actual cost to the Town.**

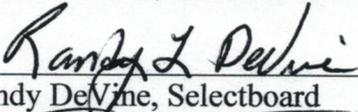
Section VI-Disposition of unredeemed dogs.

If no owner or person entitled to take possession of any dog shall claim said dog within three (3) days after impoundment, the Constable may sell, give away or dispose of in a humane manner, any such dog not redeemed or claimed by anyone taking a receipt from the purchaser or recipient thereof. "Day" as used in this section shall mean business days.

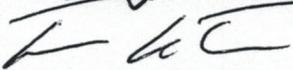
THIS ORDINANCE SHALL AMEND ALL PREVIOUS ORDINANCES IN EXISTENCE PERTAINING TO DOGS IN THE TOWN OF FAIRFAX.


Robert A. Horr, Selectboard Chair


Chris Santee, Selectboard


Randy DeVine, Selectboard

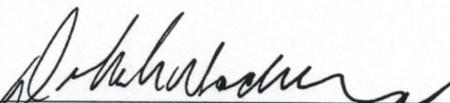
David Shea, Selectboard


Thomas Fontaine, Selectboard

Received, Adopted and Filed on July 12 2012 at

8:50 AM PM

A true record.

Attest: 
Deborah Woodward, Town Clerk