

*An Ordinance
to Amend the City of South Burlington Ordinance
for the Care and Control of Dogs*

The Council of the City of South Burlington hereby Ordains:

1. The South Burlington Ordinance for the Care and Control of Dogs adopted May 7, 1963, and amended June 3, 1968, June 16, 1975 and October 2, 1995 is amended so the ordinance shall read as follows. This ordinance shall be a civil ordinance within the meaning of 24 V.S.A Chapter 59. This ordinance shall henceforth be known as the Ordinance for the Care and Control of Dogs and Cats.

Section 1. Definitions

As used in this Ordinance, unless the context otherwise indicates,

a. "Dog" shall include both male and female;

b. "Cat" shall include male and female feline species;

[b.] c. "Owner" shall include any person or persons, firm, association or corporation owning, keeping, or harboring a dog or cat;

[c.] d. "At large" shall mean off the premises of the owner, and not under the control of the owner, a member of his/her immediate family, or an agent of the owner, either by leash, cord, chain or otherwise within control of such person so that at all times the dog or cat can be prevented from causing any damage, disturbance or annoyance;

[d.] e. "Enforcement official" when used herein shall mean any constable, police officer and poundkeeper; it shall also include any other individual specifically designated by the City Council to enforce the provisions of this ordinance;

[e.] f. "Vicious dog" shall mean a dog which causes immediate fear of bodily harm by attack or threatening to attack a person.

Section 2. Disturbance by Noise

No person shall keep or harbor any dog or cat which by frequent or long continued noise disturbs the comfort or repose of persons in the vicinity.

Section 3. Running at Large

No person shall permit a dog owned by him/her or under his/her keeping or control, to run in a street, park or common, unless such a dog shall be accompanied by the owner or persons have the keeping or control thereof. The owner or keeper of the dog shall not allow his/her dog to run or trespass on other peoples' property, namely lawns, gardens, yards, schoolyards or playgrounds, or any other land used or occupied by any other person.

CITY CLERK'S OFFICE
Received Sept 16 19 97 at 8 AM
Recorded in Vol. 376 on page 35-39
City of Burlington Land Records
Attest: Margaret A. Picard
Margaret A. Picard, City Clerk

Section 4. Impounding for Running at Large

a. Any enforcement official may apprehend any dog or unlicensed cat found running at large contrary to the provisions of this ordinance, and may impound such dog or cat in a municipal pound or other suitable place designated by the City Council. It shall be the duty of every enforcement official to apprehend and impound any dog or unlicensed cat found running at large contrary to the provisions of this ordinance when an appropriate complaint is lodged with the City Police Department. Prior to apprehending and impounding any dog or cat pursuant to the provisions of this section, an enforcement official shall make a reasonable investigation to determine whether a violation of this ordinance has occurred.

b. An "appropriate complaint" shall be deemed to have been made when a person verbally gives the City Police Department a full description of the dog or cat, including breed (if known), size, color and other distinguishing features which description must be sufficient for an enforcement official to make a proper identification. If such description is insufficient for proper identification, no dog or cat shall be impounded. The person who made such complaint shall file in writing with the Police Department a form furnished by the City setting forth his/her name, address, phone number, description of the dog or cat, and circumstances under which the dog or cat was believed to be in violation of this ordinance. If no written complaint is filed, the City, at its option, may release the dog or cat and charge the complainant with any impoundment fees or boarding fees which may be due.

c. The enforcement official, upon apprehending and impounding any dog or cat, shall make a complete registry, entering the breed (if known), color and sex (if known) of such dog or cat, and whether licensed. If a dog or cat is licensed, the official shall enter the name and address of the owner and the number of the license tag. A duplicate registry shall immediately be forwarded to the City Clerk to be filed with the dog or cat licenses.

Section 5. Complaints

A dog or cat, even though not found running at large by an enforcement official, can be apprehended and impounded for violating the provisions of this ordinance if written complaints from at least two City citizens from different households are received by the Police Department setting forth the name, address, and phone number of the person filing the complaint, a full description of the dog or cat including breed (if known), size, color, and other distinguishing characteristics sufficient for any circumstances under which the dog or cat was believed to be in violation of either Section 2, 3, or 11 of this ordinance. Prior to apprehending and impounding any dog or cat pursuant to the provisions of this section, an enforcement official shall make a reasonable investigation to determine whether a violation of this ordinance has occurred.

Section 6. Enforcement of Private Property

An enforcement official in enforcing the provisions of this ordinance may apprehend a dog or unlicensed cat found on public or private property, including the property of the dog's or cat's owner. However, prior to entering on private property, an enforcement official shall make a reasonable attempt to obtain permission from the property's owner or occupant.

Section 7. Notice to Owner and Redemption

Not later than two days after the impounding of any dog or cat, the owner shall be notified, or if the owner is unknown, written notice shall be placed in the area newspaper describing the dog or cat and the place and time of taking. The owner of any dog or cat so impounded shall reclaim such dog or cat upon payment of the license fees and other charges required under this ordinance.

Section 8. Disposition of Unclaimed Dogs and Cats

It shall be the duty of the poundkeeper to keep all dogs and cats impounded for a period of six (6) days. If at the expiration of six (6) days from the date of notice to the owner or the posting of notice such dog or cat shall not have been redeemed, it may be sold, given away or destroyed. Any owner who fails to redeem his/her dog or cat or does not pay boarding fees, impoundment fees, euthanasia and cremation fees, or any other fees associated with the animal, within 30 days of initial impoundment shall be assessed all of said fees and charges. The sums owed under this section may be collected in a civil action brought under this section.

Section 9. Impoundment Fees

a. Any dog or cat impounded under the provisions of this ordinance shall be released only on payment of a \$25.00 impoundment fee; provided, however, that any dog or cat impounded for the second time in any 12-month period shall be released only on payment of \$50.00 and if so captured for a third offense in any 12-month period, it shall be released only upon payment of \$75.00 with an increase to \$100.00 in such fee for each subsequent offense in a 12-month period.

b. In addition to the impoundment fees charged herein, there shall be a boarding charge of \$6.50 per day or fraction thereof during which the dog or cat is impounded.

c. The City Council is hereby empowered to increase the impoundment fees and boarding charges provided for in this section by appropriate resolution. The City Council may make such increases in said fees and charges as they deem appropriate and necessary from time to time.

Section 10. Animal Bites

a. It shall be the duty of every enforcement official to apprehend and impound any animal, domestic or wild, that has bitten any person, when an appropriate complaint is lodged with the City Police Department. What constitutes an appropriate complaint is set forth in Section 4(b) herein. Prior to apprehending and impounding any animal pursuant to the provisions of this section, an enforcement official shall make a reasonable investigation to determine whether the alleged animal bite did in fact occur, and to verify the identification of the animal. All verified dog or cat bites shall then be handled in accordance with the provisions of Section 10 (b) and (c). All other animal bites will be referred to a City Enforcement Official or the City Health Officer.

b. Any dog or cat apprehended or impounded under this section shall remain in confinement for a period of ten (10) days. If, at the expiration of this ten-day confinement an enforcement official shall certify that the dog or cat shows no sign of illness, said dog or cat may be released to its owner upon payment of all costs of confinement, care, and impoundment fees, costs of examination of said dog or cat, and license fee, if any. In the event of a death of a dog or cat while confined under this section, the owner or keeper shall pay all costs of confinement, care, impoundment fees, and costs of examination of said dog or cat during the period of confinement.

c. Unclaimed dogs or cats shall be disposed of in accordance with the provisions of Section 8 herein.

Section 11. Licensing

a. All owners of a dog or cat shall be required to annually register and license the animal in a manner prescribed by the City with the City Clerk's office. Proof of a current rabies vaccination shall be required for the licensing of any animal. Dogs and cats must wear current license tag at all times when off the premises of the owner.

b. Pursuant to 20 V.S.A #3581 (c), the fee for each dog or cat license shall be \$2.00 above the fee required by state statutes.

c. It shall be the duty of every enforcement official to apprehend and impound any dog or cat found unlicensed in violation of this ordinance.

d. Any dog or cat impounded pursuant to this section may be released to its owner or keeper when said dog or cat is properly licensed with the City and all impoundment fees set forth in Section 9 herein are paid. Unclaimed dogs or cats shall be disposed of in accordance with the provisions of Section 8 herein.

Section 12. Enforcement

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$100 per day for each day that such violation continues. Police Officers of the City of South Burlington shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

Section 13. Waiver Fee

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

First Offense	\$15.00
Second Offense	\$25.00
Third Offense	\$37.50
Fourth and Subsequent Offenses	\$50.00.

Offenses shall be counted on a 12-month rolling basis.

Section 14. Civil Penalties

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	\$75.00
Fourth and Subsequent Offenses	\$100.00.

Offenses shall be counted on a 12-month rolling basis.

Section 15. Other Relief

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the City Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, to request revocation of a license by the City Council, or to pursue any other remedy authorized by law.

Section 16. Animal Waste

The owner of every animal shall be responsible for the removal of any excrement deposited by his or her animal(s) on public walks, recreation areas or public or private property.

Section 17. Vicious Dog Investigation

Upon written complaint by three (3) City residents of separate households that a dog is alleged to be vicious, the City Council may hold a hearing on the facts of the complaint and if the dog is found to be vicious may make such order as necessary to protect the public.

Section 18. Severability

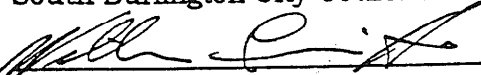
Any part or provision of this ordinance shall be considered severable and the invalidity of any part or section will not be held to invalidate any other part or provision of the ordinance.

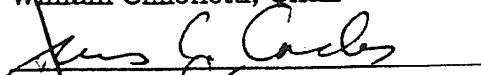
Text to be deleted is shown in brackets; text to be added is underlined.


This ordinance shall take effect upon ~~passage~~ ^{for 1998} passage. (January 1, 1998).


Date Sept. 15, 1997

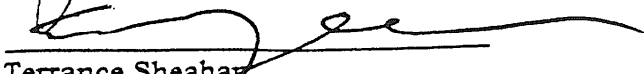
South Burlington City Council


William Cimonetti, Chair


James Condos


David Austen


Joan Britt


Terrance Sheahan