

TOWN OF LUDLOW, VERMONT

DOG ORDINANCE

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ARTICLE 1. ENABLING AUTHORITY

WHEREAS, the Board of Selectmen of the Town of Ludlow 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 Title 20, Section 3549, of the Vermont Statutes Annotated, the Board of Selectmen of the Town of Ludlow hereby ordain and enact as follows:

ARTICLE 2. DEFINITIONS

As used in this ordinance, the following terms shall have the respective meanings here assigned to them:

- 2.01 “Animal Control Officer” shall mean the person appointed by the Municipal Manager to police and enforce this ordinance in cooperation with the appropriate law enforcement agencies.
- 2.02 “Dog” shall mean any animal of the canine species.
- 2.03 “Owner” shall mean any person, or group of persons, who owns, harbors, or permits any dog to be, or remain, in or about buildings or premises owned or occupied by him, her or the property inhabitants.
- 2.04 “Nuisance Dog” shall mean a dog, which barks or howls continuously so as to disturb adjoining property owners. Said dog, pursuant to Title 24, Chapter 61, Section 2291(10), of the Vermont Statutes Annotated, is hereby declared to be a public nuisance and shall be subject to remedies allowed by law.

2.05 “Vicious Dog” shall mean:

- a. a dog which is known to have attacked a person or animal or to have done damage constituting a menace to the public health and safety; or
- b. a dog which causes reasonable fear or bodily injury by attacking or threatening to attack any animal or person except as such person may be in the act of trespassing upon the private property of the owner.

ARTICLE 3. LICENSING

3.01 It shall be the duty of every person owning, keeping or harboring any dog over six (6) months of age, within the Town of Ludlow, to procure a license therefore in accordance with Title 20, Chapter 3581, of the Vermont Statutes Annotated, as amended.

ARTICLE 4. CONFINEMENT/CONTROL

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

4.02 Such owner or keeper may have his dog outside a building or enclosure or securely tied to an exercise wire of similar contrivance, except as herein otherwise provided.

- 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. in the opinion of the Animal Control Officer, 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.

ARTICLE 5. AUTHORIZED AGENT

5.01 The owner or keeper of a dog may release said dog in the charge of his/her duly authorized agent, who shall thereupon control the dog in one of the ways provided in Article 4.

ARTICLE 6. DOG IN HEAT

6.01 The owner of any dog in heat shall keep it confined or on a leash at all times, and shall not permit such dog to be at large within the Town of Ludlow. Every such dog running at large is hereby declared to be a public nuisance and may be impounded and the owner, keeper, or person harboring such a dog shall be guilty of a violation of this ordinance and subject to the penalties hereinafter provided.

ARTICLE 7. ANIMAL CONTROL OFFICER DUTIES

- 7.01 The Municipal Manager shall appoint a person to act as Animal Control Officer, whose duty it shall be to enforce the provisions of this ordinance.
- 7.02 The Board of Selectmen shall designate the names of persons and their locations to receive dogs for confinement under the terms of this ordinance.

ARTICLE 8. GENERAL VIOLATION

- 8.01 Any dog allowed to run at large or otherwise to be in violation of any provisions of this ordinance (EXCEPT those found to be in violation of Article 9 hereof) is hereby declared to be a public nuisance and may be impounded. The owner of any dog impounded, if such owner can be identified, shall be guilty of a violation of this ordinance and subject to the penalties hereinafter provided.

ARTICLE 9. VICIOUS DOG

- 9.01 No person shall keep or harbor a dog deemed to be vicious under the terms of this ordinance. If a complaint is received by the Animal Control Officer that any person, contrary to the provisions of this Section, is keeping or harboring a vicious dog, said dog shall be immediately impounded by the Town.
- 9.02 The Animal Control Officer shall immediately notify the owner or keeper of such dog of the locations where and the person with whom the dog is confined, and shall also notify the Municipal Manager of the impoundment. The Municipal Manager shall convene a hearing on said complaint within fourteen (14) days of receiving notice of the impoundment.
- 9.03 Said hearing shall be before a hearing board, which shall consist of the Municipal Manager, the Board of Selectmen, and one (1) other person to be named by the Manager. All parties shall be entitled to be represented during the hearing. After presentation of all evidence, the hearing board shall issue findings of fact. Upon a determination that the dog in question is a vicious dog as defined herein, the hearing board shall:
- a. issue an order to chain the animal permanently, muzzle the dog whenever off premises, or dispose of the dog in a humane manner; and
 - b. issue an order that the owner of said dog be punished as provided in Section 10.04 of this ordinance. Upon a determination that the dog in question is not a vicious dog as defined herein, the dog shall be released from impoundment, without the owner of said dog being responsible for the payment of any fees or penalties. The determination of the hearing board in each case shall be final.

ARTICLE 10. IMPOUNDMENT AND PENALTIES

- 10.01 The Animal Control Officer may confine a dog found at large or otherwise found to be in violation of this ordinance. The Animal Control Office 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 Control Officer shall forthwith give notice, in writing, to the owner, mailed to the owner at this/her last known address, by certified mail with return receipt requested, stating that the dog may be reclaimed within five (5) days from the mailing 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. If any licensed dog shall be impounded a second time within two (2) years of the April 1st preceding the first impoundment, except that such dog shall be released only upon payment to the Town a fee of Fifty Dollars (\$50.00), plus any charges incurred by the Town of the impounding of the dog. If any licensed dog shall be impounded three (3), or more, times within two (2) years of the April 1st preceding the first impoundment, the Animal Control Officer shall proceed in all ways as in the case of the original impoundment, except that such dogs shall be released only upon payment to the Town a fee of One Hundred Dollars (\$100.00), plus any charges incurred by the Town for impounding of the dog.
- 10.02 If an unlicensed dog is impounded by virtue of this ordinance, the Animal Control Officer shall confine such dog for five (5) days. If, after five (5) 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 is located and the owner wishes to reclaim the dog, the Animal Control Officer 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 One Hundred Dollars (\$100.00), plus any charges 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.
- 10.03 In addition to, or in lieu of, impounding a dog found at large or otherwise found to be in violation of any section of the ordinance, EXCEPT Article 9, the Animal Control Officer may issue to the known owner of such animal a "Notice of Ordinance Violation." Such notice shall impose upon the owner a fine of One Hundred Dollars (\$100.00), which may be paid to the Town of Ludlow within seventy-two (72) hours, in full satisfaction of this penalty. In the event that such penalty is not paid within the time period described, a criminal investigation shall be initiated before the District Court and, upon conviction of the violation of the ordinance codified herein; the owner shall be punished as provided in Section 10.04 of this ordinance.
- 10.04 Any person who violates any provision of this ordinance shall be subject to a civil penalty of not more that Five Hundred Dollars (\$500.00) in accordance with 24 V.S.A. § 1974 a., together with the costs of prosecution and, in the event of a continuing violation, each day shall constitute a separate offense.

ARTICLE 11. SEVERABILITY

- 11.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not effect the validity or effectiveness of the remaining portions hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

ARTICLE 12. PUBLICATION AND EFFECTIVE DATE

- 12.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 12.02 This ordinance shall be entered in the minutes of the Select Board meeting, and posted in at least five conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 12.03 This ordinance shall become effective on December 2, 2005, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed within the Town Clerk by November 16, 2005, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

Questions about the ordinance may be directed to the Municipal Manager, Ludlow, Vermont, or by calling telephone number (802) 228-2841.

The foregoing ordinance is hereby adopted by the Select Board of the Town of Ludlow, Vermont this 3rd day of October, 2005.

TOWN OF LUDLOW, VERMONT
SELECT BOARD

Howard Barton, Jr., Chair
Jay Jurkoic, Vice Chair
John Neal
Brett Sanderson
Bruce Schmidt

ARTICLE 12 above is amended to read:

- 12.04 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 12.05 This ordinance shall be entered in the minutes of the Select Board meeting, and posted in at least five conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 12.06 This ordinance shall become effective on April 4, 2008, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed within the Town Clerk by March 19, 2008, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

The foregoing ordinance is hereby re-adopted by the Select Board of the Town of Ludlow, Vermont on this fourth day of February, 2008.

TOWN OF LUDLOW, VERMONT
SELECT BOARD

Howard Barton, Jr., Chair

John Neal, Vice Chair

Brett Sanderson

Bruce Schmidt

Earl Washburn