

TOWN OF CHESTER

**AN ORDINANCE FOR THE CONTROL OF DOGS  
IN THE TOWN OF CHESTER, VERMONT**

Pursuant to the provision of Title 20, Vermont Statutes Annotated, Section 3549; Title 24 Vermont Statutes Annotated, Section 2291 (10) and 2291 (14 & 15), and Title 24, Vermont Statutes Annotated, Chapter 59 as amended, and such other special or general enactments as may be material thereto, it is hereby ordained by the Board of Selectmen of the Town of Chester, that the following Dog Ordinance be adopted:

**SECTION 1 - DEFINITIONS**

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

- A. "Dog" is any animal of the canine species.
  
- B. "Owner" is any person or group of persons who owns, harbors, or permits any dog to be or remain in or about their buildings or premises.
  
- C. "Vicious dog" is a dog which causes reasonable fear of bodily injury by attacking or threatening to attack any person except as such person may be in the act of unlawfully trespassing upon the private property of the owner. The term shall also mean any animal which, while running at large, attacks another domestic pet or domestic animal, as defined in Title 20, Vermont Statutes Annotated, Section 3541.

**SECTION 2 - LICENSE REQUIRED**

It shall be the duty of every person owning, keeping or harboring in the Town any dog over four (4) months of age to procure a license therefore in accordance with Title 20, Sections 3581-3592, Vermont Statutes Annotated, as amended.

All unlicensed dogs within limits of the Town found in violation of this ordinance shall be impounded.

**SECTION 3 - DOGS RUNNING AT LARGE**

No person shall permit a dog owned or kept by him to run at large within the Town. A dog, while on any public way or place, shall be kept under restraint. A dog is under restraint within the meaning of this ordinance if it is controlled by a leash not more than eight (8) feet long, or is at "heel" beside a competent person and obedient to that person's commands, or is on or within

a vehicle. Nothing in this ordinance shall be construed to require the leashing of any dog while on private property by permission of the property owner or his agent, or to restrict the use of dogs for lawful hunting.

#### SECTION 4 - DOG IN HEAT

The owner of any dog in heat shall keep her confined or on a leash at all times, and under control of the owner or agent and shall not permit such dog to be at large within the Town. Every such dog running at large is hereby declared to be a public nuisance and shall be impounded, and the owner, keeper or person harboring such dog shall be guilty of a misdemeanor.

#### SECTION 5 - IMPOUNDMENT

If a complaint is received regarding any dog running at large and is investigated by the proper authorities and found to be running at large, the owner, if known, shall be informed of the complaint and given notice to confine said dog on his premises.

Any dog on whom such a complaint is made after the owner has been given such notice, and who is found to be running at large, or any dog found running at large whose owner is not known, may be impounded.

Any dog found running at large shall be impounded in a humane manner. Written notice of such "impoundment" shall be given to the owner by registered mail, if he be known. Such impounded dog shall be confined for five (5) days after such notice is received, unless sooner reclaimed by its owner, and all fees and costs paid.

If the impounded dog is not so reclaimed within such five (5) day period, the dog may thereafter be given away, sold or disposed of in a humane manner.

When a dog is found running at large, either in lieu of impoundment or in addition thereto, the owner of such dog may be prosecuted for violation of this ordinance.

The owner shall be entitled to reclaim any impounded, unlicensed dog upon compliance with the license provisions of Section 2, hereof, and the payment of all impoundment fees and costs as hereinafter set forth. Any other dog impounded under this ordinance may be reclaimed upon payment of all outstanding impoundment fees and costs.

#### SECTION 6 - IMPOUNDMENT FEES

Any impounded dog may be reclaimed upon payment by the owner of the following fees: Impoundment fees of \$5.00, except that upon the second impoundment the fee shall be \$10.00, and upon the third or any subsequent impoundment of the same dog within a six (6) month period, the fee shall be \$10.00 plus board at the standard shelter rate or fraction thereof.

SECTION 7 - BARKING OR HOWLING DOGS

No person shall keep or harbor any dog which by frequent or habitual barking, howling or yelping disturbs the peace or quiet of persons of ordinary sensibility.

SECTION 8 - COLLAR REQUIRED

It shall be the duty of every person owning, keeping or harboring in the Town any dog, to keep on such a dog a collar or harness and to fasten securely to the collar or harness and keep attached to it a metal license tag, whenever such dog shall be off the premises of the licensed owner. It shall be unlawful for any person other than the owner or his agent or a member of the Police Department to remove a license tag from a dog.

SECTION 9 - DOGS WHICH HAVE BITTEN PERSONS

It shall be unlawful for the owner or person harboring any dog, when notified 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 under the care of a licensed veterinarian.

It shall be the duty of such owner or keeper upon receiving notice that a dog has bitten any person, immediately to notify the Health Officer and to place the dog in confinement for ten (10) days for observation.

Any dog which is suspected of having rabies shall be confined immediately in a veterinarian hospital for observation for ten (10) days at the Health Officer's judgment. If the dog is not rabid, said dog shall be released to its owner upon payment of all costs of confinement and care of such dog by the owner or keeper.

SECTION 10 - CRUELTY

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

SECTION 11 - POOPER SCOOPER

The person in control of a dog which defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

SECTION 12 - PENALTIES

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Section 1974a and Section 1977 et seq. A civil penalty of not more than \$500 may be imposed for a violation of this civil Ordinance, and the waiver fee shall be set at \$25.00 for the first offense, \$50.00 for the second offense within a six-month period, and \$75.00 for all subsequent offenses within a six-month period. Each day that the violation continues will constitute a separate violation of this ordinance.

#### SECTION 13 - POUNDKEEPER AND DOG CATCHER

The Poundkeeper and Dog Catcher shall be Regular or Special Police Officers of the Town of Chester, whose duties shall be to enforce the terms of this ordinance.

#### SECTION 14 - REPEAL

All prior ordinances in conflict herewith are hereby repealed to the extent of such conflict except that this repeal shall not affect, or prevent the prosecution of any person for an act done or committed prior to the effective date of this ordinance.

#### SECTION 15 - SEPARABILITY

The provisions of this ordinance are hereby declared to be separable and if any thereof be adjudged invalid, the invalidity of any part shall not affect the remainder thereof.

#### SECTION 16 - AMENDMENTS

This ordinance may be amended by a majority vote of the Board of Selectmen at a meeting called for the purpose of considering such amendments.

#### SECTION 17 - PUBLICATION, RECORDING AND EFFECTIVE DATE

This ordinance shall be entered into the minutes of the municipality and posted in at least five (5) conspicuous places within the municipality, and published in a newspaper circulating in the municipality on a day not more than 14 days following the date when the proposed ordinance is so adopted. This ordinance shall become effective at the expiration of 60 days from the date of its adoption by the Board of Selectmen.

#### SECTION 18 - EFFECTIVE DATE OF ADOPTION AS FOLLOWS

This ordinance adopted by the undersigned legislative body of the Town of Chester on the 16th day of August, 1972, and entered into the minutes of the said Town on that date, shall become effective on the 16th day of October, 1972.

/s/ Russell H. Leitch

/s/ John C. Pierce

/s/ Norman R. Heald  
/s/ Cecil Waldo  
/s/ Hazen Jameson  
Selectmen, Town of Chester

Filed for record in the Town Act Book on August 16, 1972.

Attest: Retha C. Kendall, Asst. Town Clerk

SECTION 19 - AMENDMENT

This Ordinance is hereby amended this 17th day of July, 1996, to revise the violation penalties and unless a petition is filed within 60 days of adoption, shall become effective on the 17th day of September, 1996.

/s/ Carol L. Balch  
/s/ Michael R. Westine  
/s/ Richard G. Jewett  
/s/ Samuel B. Capogrossi  
Board of Selectmen

SECTION 20 - AMENDMENT

This Ordinance is hereby amended this 9th day of January, 2002, to revise the references to the Vermont Statutes, further explain the definition of a “vicious dog,” and require removal of fecal material by dog owners, and, unless a petition is filed within 60 days of adoption, shall become effective on the 9th day of March, 2002.

\_\_\_\_\_/s/ Carol L. Balch\_\_\_\_\_  
\_\_\_\_\_/s/ Richard G. Jewett\_\_\_\_\_  
\_\_\_\_\_/s/ William A. Lincoln\_\_\_\_\_  
\_\_\_\_\_/s/ Michael J. LeClair\_\_\_\_\_  
\_\_\_\_\_/s/ William L. Lindsay\_\_\_\_\_  
Selectmen, Town of Chester

Dated at Chester, Vermont, this 9th day of January, 2002.