

DOG ORDINANCE

AN ORDINANCE FOR CONTROL OF DOGS IN THE TOWN OF LONDONDERRY, VERMONT

Pursuant to the Provisions of 20 V.S.A. 3549, as amended, and such other special or general enactments as may be material thereto, the following DOG ORDINANCE IS HEREBY ORDAINED by the Town of Londonderry, Vermont, by its Selectmen.

SECTION 1: DEFINITIONS:

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

DOG: Any animal of the canine species.

OWNER: Any person or group of persons who owns, harbors or permits any dog to be or remain in or about their buildings or premises.

TO RUN AT LARGE: To move at will without restraint, control or limitations as to property lines or areas.

UNCONTROLLED DOG: A dog owned or kept by any person which is running at large within the Town, including a dog, while on any public way or place, which is not 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. An uncontrolled dog shall include all dogs which, by reason of habitual or frequent barking, howling or yelping, disturb the peace and quiet of persons of ordinary sensibilities.

VICIOUS DOG: A dog which causes reasonable fear of bodily injury by attacking or threatening to attack a person lawfully upon the premises.

SECTION 2: PROHIBITED AT LARGE:

A vicious or uncontrolled dog as defined in this Ordinance or a dog which has bitten a person other than in defense, or property of its owner or in protection of members of its immediate family, or in protection of guests or invitees of its owner, shall not run at large or without restraint, except that a dog need not be leashed or otherwise restrained while on property by permission of the owner or his authorized agent, and the use of a dog for a lawful hunting may not be restricted.

SECTION 3: DOGS IN HEAT TO BE CONFINED:

The owner of any dog in heat shall keep such dog confined within the bounds of such owner's property 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 impound in accordance with the provisions of Section 12 of this Ordinance.

SECTION 4: KEEPING OF BARKING, HOWLING DOGS PROHIBITED:

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

SECTION 5: VICIOUS DOG DECLARED NUISANCE:

A vicious dog within the meaning of this Ordinance and as defined herein is hereby declared to be a public nuisance. The owner of such dog shall keep it confined in a secure enclosure or on a chain leash.

SECTION 6: CRUELTY TO DOGS PROHIBITED:

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, shall be guilty of a misdemeanor.

SECTION 7: 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 20 V.S.A. Sections 3581-3592, as amended.

SECTION 8: LICENSE TO BE WORN ON COLLAR:

It shall be the duty of every person owning, keeping or harboring in the town, any dog to fasten securely to the collar or harness and keep attached to it a license tag, whenever such dog shall be off the premises or the licensed owner.

SECTION 9: UNLAWFUL TO REMOVE; EXCEPTION:

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

SECTION 10: EFFECT OF FAILURE TO PROCURE;

Any person failing to license a dog over four (4) months of age kept or harbored on his premises shall be guilty of a misdemeanor.

SECTION 11: IMPOUNDMENT:

All unlicensed dogs within the limits of the town found in violation of Sections 7 through 10 shall be impounded.

SECTION 12: IMPOUNDMENT - DOGS AT LARGE; DOGS IN HEAT; BARKING AND HOWLING DOGS;

(a) Any dog found in violation of Sections 2 or 4 may be impounded in the town animal shelter, as designated by the Selectboard for the Town of Londonderry and there confined in a humane manner for a period of five (5) business days, unless sooner reclaimed by its owner, and may thereafter be given away, sold or disposed of in a humane manner.

(b) When a dog is found in violation of Sections 2 and 4 either in lieu of impoundment or in addition thereto, the owner or keeper of such dog may be prosecuted for such violation.

SECTION 13: IMPOUNDMENT - REDEMPTION:

The owner shall be entitled to reclaim any impounded unlicensed dog upon compliance with the provisions of Section 7 and the payment of all impoundment fees, as hereinafter set forth. Any other dog impounded under Sections 7, 8, 9, 10, and 11 may be reclaimed after payment of all outstanding impoundment fees.

SECTION 14: IMPOUNDMENT - DISPOSITION OF UNCLAIMED DOGS:

Any impounded dog which is not claimed by its owner within five (5) business days may be sold or given to a responsible person, provided, nevertheless, that the owner shall not be deprived of any remedies otherwise provided by law.

SECTION 15: IMPOUNDMENT FEES:

Any dog impounded under the provisions of Sections 2, 3, 4, 5, 7, 8, 9, 10 and 11 of this Ordinance, may be reclaimed upon the payment by the owner of the following fees:

(a) An impoundment fee of fifteen dollars (\$15.00), except that upon the second impoundment, fee shall be thirty dollars (\$30.00), and upon the third and subsequent impoundments of the same dog, the fee shall be seventy-five dollars (\$75.00).

(b) Board, in the amount set by the facility actually housing the dog in addition to the impoundment fee.

(c) Violation of Sections 2, 3, 4, 5, 7, 8, 10 and 11 of this Ordinance by a dog or by the owner or keeper of any dog three (3) times within any 30-day period is declared to be a public nuisance. The dog shall be treated as an unlicensed dog, pursuant to 20 V.S.A. 3621.

SECTION 16: ENFORCEMENT:

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Section 1974(a) and 1977 et seq. A civil penalty of \$100.00 shall be imposed for the initial violation of this ordinance. The penalty for the second offence within a six month period shall be \$150.00, and the penalty for subsequent offenses within a six month period shall be \$200.00.

The waiver fee shall be set at \$50.00 for the first offense, \$75.00 for the second offense within a six month period.

Each day the violation continues shall constitute a separate violation of this ordinance.

SECTION 17: ENFORCEMENT OFFICERS:

The custodial official of the Town's ticket books shall be the Town Clerk.

The issuing officials shall be the members of the Board of Selectmen, the Town Constable, any police officers for the Town of

Londonderry, and any Town Animal Control Officer.

The appearing officials shall be the members of the Board of Selectmen, the Town Grand Juror, the Town's Animal Control Office, and the Town's Attorneys.

SECTION 18: DESIGNATION:

This Ordinance is designated a Civil Ordinance pursuant to 24 V.S.A. Section 1971(b). This Ordinance may be referred to as the Londonderry Dog Ordinance of 1976, As Amended, a certified copy of this Ordinance shall be prima facie evidence that the Ordinance was lawfully adopted.

SECTION 19: PUBLICATION AND POSTING:

This Ordinance shall be published in the Vt. News Guide on May 18, 1976, and shall be filed with the Londonderry Town Clerk on May 10, 1976, and shall become effective on July 10, 1976.

SECTION 20: ADOPTION:

Adopted by the Board of Selectmen of the Town of Londonderry on May 10, 1976.

s/s Ralph W. Rawson
s/s Clyde R. Prouty
s/s Charles H. Pearson
BOARD OF SELECTMEN
TOWN OF LONDONDERRY

Londonderry, VT. Town Clerk's Office. Received for record May 10, 1976 and recorded in Town Record Book 7, Page 330A.

Attest, s/s James H. Twitchell
Town Clerk

Amendment to the Dog Ordinance, Town Record Book 8, Page 54, dated March 19, 1984.

New Amendment to the Dog Ordinance, Town Record Book 8, Page 89, dated February 8, 1988

New Amendments to the Dog Ordinance, Town Record Book 8, dated September 29, 1995.

As of 12/05/05 the impoundment facility is located on Richville Rd. in Manchester, VT and is run by the Town of Manchester for the surrounding towns. The boarding

fee is \$25 per day. This fee is subject to change at any time. Please check with the Londonderry Town Clerk's Office, the Londonderry dog warden or the facility for current rates.