

**TOWN OF BETHEL, VT
WWW.TOWNOFBETHELVT.COM
NOTICE OF ADOPTION OF CIVIL ORDINANCE FOR DOGS**

On July 27, 2020, the Selectboard of the Town of Bethel, VT, adopted the Civil Ordinance for Dogs pursuant to 20 V.S.A. § 3549 and 24 V.S.A. § 2291 (10) (14) (15) and 24 V.S.A. Chapter 59. This notice is published pursuant to 24 V.S.A. § 1972 to inform the public of this ordinance and of the citizens' right to petition for a vote to disapprove these amendments.

The ordinance contains an introduction and the following sections: Section 1: Definitions, Section 2: Collar and License, Section 3: Dogs Running at Large, Section 4: Public Nuisance Violations, Section 5: Dog Abuse or Neglect, Section 6: Enforcement, Section 7: Penalties and Costs, Section 8: Investigation of Dog Bites on Town of Bethel Property, Section 9: Impoundment, Section 10: Other Laws, Section 11: Severability, and Section 12: Effective Date.

The full text of the Ordinance may be examined at the Bethel Town office at 134 South Main Street on our website at www.townofbethelvt.com, and may be examined during regular office hours. CITIZENS' RIGHT TO PETITION FOR VOTE Title 24 V.S.A. § 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting to disapprove ordinance amendments adopted by the Selectboard. To exercise this right, citizens must present to the Selectboard or the Town Clerk a petition for a vote on the question of disapproving the amendments signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the amendments. Unless a petition requesting a vote is filed pursuant to 24 V.S.A. § 1973, the adopted Civil Ordinance for Dogs shall become effective sixty (60) days from the date of said adoption. Additional information pertaining to this Ordinance may be obtained by contacting Therese Kirby, Town Manger at 134 South Main Street or by calling 234-9340 during regular office hours.

Town of Bethel

Civil Ordinance for Dogs

This Ordinance is adopted by the Selectboard of the Town of Bethel under authority of 20 V.S.A. §§ 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

The purpose of this ordinance is to regulate the keeping of dogs, to protect public health and safety, and to protect the residents' enjoyment of their homes and properties.

Section 1: Definitions

For the purposes of this ordinance, the following words or phrases shall apply:

- 1). **Dog** means any member of the canine species. For purposes of this ordinance, this term shall also include *wolf hybrids* and *working farm dogs* except where otherwise stated.
- 2). **Owner** means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
- 3). **Stray** means any dog that is found running at large, separated from where it should be, with or without any form of identification or leashing.
- 4). **Premises** means the home and real property of the dog owner.
- 5). **Enforcement Officer** means a Town Constable, Police Officer, Town Manager, Animal Control Officer, Dog Warden, Humane Officer, or any other person designated as an enforcer by the Selectboard.
- 6). **Impoundment** means being held by the Town of Bethel at a place designated by the Selectboard. Such place may or may not be operated by the Town, and may not be within Town limits.

Section 2: Collar & License

Each dog shall be licensed according to the laws of the State of Vermont and shall wear a collar, or harness, with a *current* license attached. A dog that is with its owner, visiting from out of state, must wear a collar or harness with a current license from its home state attached. Any stray dog that is found without a collar, or harness, and license, shall be in violation of this Ordinance and may be impounded.

All owners shall have their animals inoculated against rabies in accordance with 20 V.S.A. §§ 3581, 3581(a). Any questions regarding licensing-cost and dates-can be directed to the Bethel Town Clerk. All dogs must be licensed with the Town prior to April 1 of each year. Failure to license by April 1, or any other date set by the Town, will result in an additional late registration fee.

Section 3: Dogs Running at Large

No person shall allow their dog to run at large off their personal property. All dogs, while on Town property-ie. Recreation Facility, Bethel Bandshell, Fort Fortitude-shall be kept under restraint either by leash, at 'heel' beside the owner, or safely 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 or agricultural purposes.

Section 4: Public Nuisance Violations

Prohibitions: An owner of a dog shall not allow, permit, or suffer such dog to create said nuisances:

- 1). Lack of current license and valid rabies tag securely attached to a collar or harness
- 2). Failure to pick up, and properly dispose of, fecal material deposited by a dog in ANY PUBLIC PLACE or on the private property of another person-this includes all Town sidewalks, and rights of way
- 3). Running at large within Town boundaries or on another person’s private property without permission
- 4). A dog that disturbs the quiet, comfort, and repose of others by barking, whining, calling, or howling for a continuous 30 minutes or more.

This regulation shall not apply to dogs in a kennel or boarding facility which has received the proper zoning permits required under said Town’s Zoning Regulations.

Exemptions for Working Dogs: The provisions of this section pertaining to dogs running at large and disturbing the peace shall be considered separately by the Selectboard if the working farm dogs are barking in order to herd/protect livestock, poultry, or crops; or running at large in order to herd/protect livestock, poultry, or crops.

Section 5: Dog Abuse or Neglect:

Any reported case of dog cruelty (or any other animal) to the Town Manager’s Office, or to the Selectboard, will be immediately reported to the Vermont State Police, other policy agency, and/or the Vermont Humane Society to be investigated. The Town of Bethel will refrain from any investigation of such reports or accusations.

Section 6: Enforcement:

A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Windsor County Superior Court, at the election of the Bethel Selectboard.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A §§ 1974(a) and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and represent the Town at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

Section 7: Penalties and Costs

The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation:

Lack of Current License and/or Rabies Tag(s)	Waiver Fee
1 st Offense: written warning	Fee: \$0
2 nd Offense: \$100	Fee: \$50
3 rd Offense & subsequent offenses: \$150	Fee: \$75

Failure to pick up dog waste

1 st Offense: written warning	Fee: \$0
2 nd Offense: \$100	Fee: \$50
3 rd Offense & subsequent offenses: \$150	Fee: \$75

All other violations of this ordinance as follows:

1st Offense: written warning	Fee: \$0
2 nd Offense: \$100	Fee: \$50
3 rd Offense & subsequent offenses: \$150	Fee: \$75

The Enforcement Officer is authorized to recover a waiver fee in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

Determining the sequences of offenses for violations of this Ordinance shall be as follows: a subsequent violation that is identical to, and that occurs within 6 months of, a previous violation shall be considered a higher offense (ie. second, third, or subsequent offense). Any subsequent identical violation that occurs after 12 months of a previous identical violation shall be considered a new first offense.

Section 8: Investigation of Dog Bites on Town of Bethel property

When a dog has bitten a person while on Town property, and the person requires medical attention for the bite, such person may file a written complaint with the Selectboard. The complaint must contain the date, time, and place where the bite occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting an investigation.

The Selectboard, within seven (7) calendar days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date, and place of hearing, and a copy of the complaint.

If, after a hearing on the matter, the dog is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the dog is dealt with accordingly in a humane way. The order shall be set by certified mail, return receipt requested, to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. §§ 3550.

If an owner of the dog cannot be determined with due diligence, the dog becomes the property of the Town and the Selectboard will deal with the dog accordingly in a humane way.

Rabies Suspect: The procedures provided in this section shall only apply if the dog is NOT a rabies suspect. If the Enforcement Officer, or the Selectboard, determines that the dog IS a rabies suspect, the Selectboard shall immediately notify the Town Enforcement Officer who shall proceed in accordance with the Vermont Department of Health’s rules. If the dog is deemed healthy, the terms and conditions set forth in the Selectboard’s order shall be enforced.

Section 9: Impoundment

The Town of Bethel retains the right to impound a dog as a *last resort* if all other means to rectify situations listed in this Ordinance have been exhausted.

The officer who impounds a dog shall within twenty-four (24) hours, give notice to the owner thereof either personally, by telephone, or by regular mail postage prepaid at the owner's last known address. Such notice shall inform the owner of the nature of the violations, the dog's location, and the necessary steps to have it returned to the owner.

If the owner of the dog is unknown, the officer who impounds a dog shall within twenty-four (24) hours of impoundment, post a public notice. Notification shall be posted in the Town Clerk's Office and other usual places for public notice for ten (10) days. The notice shall include a description of the dog, including any significant marks of identification, when and where the dog was taken into Town custody, and where it has been impounded. The public notice will also state that unless the owner 1). claims the dog, 2). pays all expenses incurred by the town for treatment, boarding, and care of the dog, and any applicable penalties, and 3). takes all necessary remedial action within ten (10) calendar days following posting, the Town may place the dog in an adoptive home, or transfer it to a humane society or rescue organization.

Release from Impoundment to Owner: Any impounded dog shall be released to the owner ONLY after payment of all penalties and impoundment fees including, but not limited to, boarding, food, and veterinary expenses, have been received by the Town; and after all remedial action as determined by the enforcement officer in consideration of the violation(s) committed, is taken by the owner. Remedial action may include, but is not limited to, such actions as: providing a collar and current licenses and proof of vaccinations; verification of certification of current vaccination against rabies; payment of all applicable fines and waiver fees. If the owner of the impounded dog, under the provisions of this Ordinance, refuses to take remedial action necessary to secure the dog's release within ten (10) days following notice of impoundment, or gives notice either personally, by telephone, or in writing to the Town of forfeiture of ownership before that time, the dog will either be placed in an adoptive home or transferred to a humane society or rescue organization. The owner of a dog transferred to another's care shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment, and any other expense incurred by the Town regarding the dog and its owner.

Section 10: Other Laws

This ordinance is in addition to all other ordinances of the Town of Bethel and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 11: Severability

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.


Section 12: Effective Date

This Ordinance shall become effective sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. §§ 1973, that statute shall govern the taking effect of this Ordinance.

This Ordinance is adopted by the Selectboard of the Town of Bethel, on the 27th day of July, 2020, and shall become effective on the 25 day of September, 2020.



Christopher Jarvis, Board Chair



Maurice Brigham



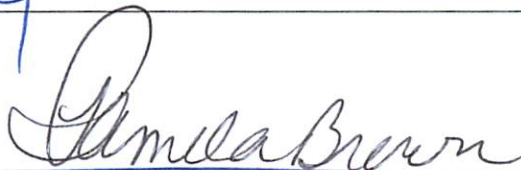
Paul Vallee



Lindley Brainard



David Eddy

Attest by: 

Pamela Brown, Town Clerk

July 27, 2020