

**TOWN OF CHARLOTTE
AMENDMENT OF CHARLOTTE ORDINANCE REGARDING
NUISANCE ANIMALS**

The Charlotte Ordinance regarding Nuisance Animals is hereby amended as follows :

Section 1. Authority

This ordinance is enacted pursuant to 24 V.S.A. §2291(1) and 20 V.S.A. §3549. It shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

Section 2. Regulation of Dogs

No person who is the owner of a dog shall allow the dog to be a nuisance animal. Nuisance animal means any (animal or animals) dog which :

1. Molests or threatens passers-by or passing vehicles on public roads or property;
2. Attacks other animals;
3. Is at large, (being "at large" is defined as off the owner's property, or not under leash or direct verbal command of the owner, agent or guardian);
4. Damages private or public property;
5. Barks, whines, howls or cries in an excessive, continuous or untimely fashion, so as to disturb the peace and quiet of any neighborhood or so as to materially disturb or annoy any person in the neighborhood;
6. Is unlicensed in violation of 20 V.S.A. §3581.

Section 3. Impoundment of Dogs Found at Large

Any law enforcement officer, constable, or animal control officer may apprehend any dog at large in violation of Section 2. They may impound such animal in an animal shelter or other suitable place designated by the Selectboard. Any nuisance animal impounded may not be released until all fines and an impounding fee of \$25.00 is paid to the Town Office, and a certificate of rabies vaccination and dog license for the current year are shown. The owner of the dog shall, in addition, be responsible for any and all fees charged by the poundkeeper or other person designated by the Selectboard for the care of the animal while impounded.

Section 4. Notice of Violation Following Impoundment

a. Upon apprehending and impounding a nuisance animal, the apprehending official shall issue a notice of violation, which shall be delivered in person or mailed to the owner of the animal by certified mail. The notice of violation shall include :

1. A brief statement of the alleged violation.
2. A statement that the owner has the right to a hearing before the Selectboard and a statement that failure to

request a hearing within 10 days of the date of mailing of the notice shall constitute a waiver of the right to a hearing.

3. A statement of charges and fines due if the Selectboard finds that the animal has violated this ordinance or if the owner does not request a hearing.

b. If the owner of the dog is unknown, written notice shall be posted for at least three days in conspicuous places in the Town (the Charlotte Town Offices and the Charlotte Post Office).

Section 5. Selectboard Hearing Following Impoundment

A person who receives a notice of violation shall be provided a hearing before the Selectboard if the person submits a written request for a hearing to the Town Clerk within 10 days of the date of mailing of the notice of violation. If the owner does timely request a hearing, the Selectboard shall hold a hearing within 14 days of receipt of the request. The Selectboard shall render its decision in writing within 10 days of the date the hearing is concluded.

Section 6. Disposition of Unclaimed Dogs

If, after ten (10) days of impoundment, the owner of any dog cannot be found, the dog may be given to the Humane Society for adoption or destroyed in a humane way. If the owner of any dog is known, and he/she does not reclaim the dog, the dog may be given to the Humane Society or destroyed in a humane way and the owner of the dog will be liable for any and all fees involved. The Selectboard may choose to collect any and all fees involved in the impounding of a dog by a civil action against the owner.

Section 7. Enforcement Before the Traffic and Municipal Ordinance Bureau

Any person who owns a dog that violates any provision of this ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. Any law enforcement officer, constable, or animal control officer may, in lieu of apprehending a dog at large, act as an issuing Municipal Official and issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint for any dog to have violated any provision of this ordinance.

Section 8. Waiver Fee for Municipal Complaint

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:

<u>First Offense</u>	<u>- \$15</u>
<u>Second Offense</u>	<u>- \$35</u>
<u>Third Offense</u>	<u>- \$60</u>
<u>Fourth Offense</u>	<u>- \$100</u>
<u>Fifth & Subsequent Offense</u>	<u>- \$120</u>

Offenses shall be counted on a calendar year basis.

Section 9. Civil Penalty for Ordinance Violation

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of this ordinance:

First Offense - \$25
Second Offense - \$50
Third Offense - \$75
Fourth Offense - \$150
Fifth & Subsequent Offense - \$200

Offenses shall be counted on a calendar year basis.

Section 10. Right to Civil Enforcement

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

Section 11. Impounding Dogs That Have Bitten Persons

It shall be the duty of every enforcement official to apprehend and impound any dog that has bitten any person when an appropriate complaint is lodged to the official. Dogs will be impounded for ten days to determine if the dog is rabid. At the expiration of ten days such dogs shall be reclaimed by the owner, or if the owner is not known, sold, given away or destroyed. The owner of any dog impounded for observation is responsible for all fines and fees that may be imposed.

Section 12.

The Selectboard shall annually appoint an Animal Control Officer who shall have the authority to enforce this ordinance.

Adopted March 5, 1996.