

TOWN OF BAKERSFIELD ORDINANCE
FOR THE CONTROL OF DOGS, WOLF-HYBRIDS, AND CATS

SECTION 1- Authority

Under the authority granted in 24 VSA Chapter 59 and (other pertinent statues) the Selectboard Of Bakersfield hereby adopts the following civil ordinance concerning the control of dogs, wolf-Hybrids and cats.

SECTION 2-Purpose

In order to protect the comfort, quiet, health, peace, and safety of others within the Town of Bakersfield.

No person shall permit a dog owned by him or under his keeping or control. To run in a street, park or common, unless such dog shall be accompanied by the owner or persons having the keeping or control thereof. The owner or keeper of the dog shall not allow the dog to run or trespass on the property of others, namely lawns, gardens, yards, schoolyards, playgrounds and/ or parks or any other land used or occupied by another person.

No person shall keep or harbor any dog or cat, which by frequent or long continued noise disturbs the comfort or repose of persons in the vicinity.

SECTION 3- Definitions

As used in this ordinance, unless the context otherwise indicates:

- a. "dog" shall include male and female canine species.
- b. "cat" shall include male and female feline species.
- c. "owner" shall include any person or persons, firm association or corporation owning, keeping, harboring a dog or cat.
- d. "at large" shall mean off the premises of the owner, and not under the control of the owner, a member of his immediate family, or an agent of the owner either by leash, cord, chain or otherwise within control of such person, so that at all times the animal can be prevented from causing any damage, disturbance, or annoyance.
- e. "enforcement official" when used herein, shall mean any constable, police officer, or pound-keeper. It shall also include any other individual specifically designated by the Selectmen to enforce the provisions of this ordinance.

SECTION 4- Owner Responsibilities

- (a) Any owner of a domestic animal, which has contracted rabies or which, has been exposed to rabies, or which is suspected of having rabies or which has bitten any person, shall upon demand of any law enforcement officer; surrender such animal to be held for a period of ten (10) days for observation and treatment, the cost of which shall be the responsibility of the owner.
- (b) It shall be the duty of every owner of a domestic animal, which has been attacked or bitten by another animal showing the symptoms of rabies to notify a law endorsement, health officer, or officer immediately that such person has such an animal in his possession.
- (c) Whenever a domestic animal is impounded after having bit a person, the animal shall be held for a sufficient length of time to meet the investigation requirements of the State Health Department.
Thereafter, the Board shall determine whether this animal is rabid. If so, the animal shall be destroyed.
- (d) It shall be unlawful for the owner, when notified that their domestic animal has bitten any person, to sell or give away such animal, or permit it to be taken beyond the limits of the

Special Services District except under the care of a licensed veterinarian without the prior permission of the Board.

- (e) It shall be the duty of the owner to have his/her dog on a leash, when walking on a heavily traveled road for the safety of the dog and on coming vehicles. These roads include Route #108, Route #36, Boston Post Road, and the East Bakersfield Road.

SECTION 5-Violations

1. Any pet, which becomes or remains a public nuisance as herein defined, shall be in violation of this Ordinance and may be impounded and the owner of any pet, if such can be identified, shall be guilty of a violation of this Ordinance and subject to the penalties hereinafter provided.
2. Violation:
 - A. Any pet which had not been vaccinated against rabies as required in 20 V.S.A., Section 3581(a) or;
 - B. A dog which has not been licensed in accordance with 20 V.S.A. Chapter 193, and as amended, or;
 - C. A pet that bites a person, or;
 - D. A pet kept or maintained contrary to the conditions of a lawful order issued by the Select board under another Section of this Ordinance, or;
 - E. A dog which runs at large and which is uncontrolled while on a public way or place within the Town of Bakersfield. Nothing in this Ordinance shall be construed to restrict the use of dogs for lawful hunting, or;
 - F. A dog which runs at large and does not have a current license tag affixed to a collar, or;
 - G. A dog which runs at large and repeatedly causes damage to the property of anyone other than its owner, including, but not limited to, turning over garbage containers or doing damage to gardens, flowers, shrubs or vegetables, or injuring or worrying domestic animals and pets, or;
 - H. A dog which runs at large and habitually or repeatedly chases, and/or snaps at pedestrians, joggers, pets walked on a leash, bicyclists, vehicles, or riders on horseback, or;
 - I. A dog which repeatedly, continuously or habitually barks, whines or howls, in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises, or,
 - J. A female dog while in an estrous cycle not confined in a building or on a leash at all times so that she cannot create a nuisance by attracting other dogs. Nothing in this section shall be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner.
 - K. Animal Cruelty is a crime, punishable by fines and jail time. 13 V.S.A. SS 353.

SECTION 6- Impoundment

It shall be the duty of the enforcement officer to apprehend any unlicensed dog, and any domestic animal not in compliance with Section 5 of this ordinance, and to impound such animal in the pound. Upon impounding any animal, a record shall be made by the enforcement officer of the breed, color and sex of the animal, where it was apprehended, and the address of the owner, if known, and if a dog, whether or not it was licensed. The record of the impounding Officer shall be filed at the Town Clerk's Office.

SECTION 7-Notice: Disposition of Impounded Domestic Animals

Whenever any domestic animal is impounded, it shall be the duty of the Enforcement Officer to notify the owner, if known, and if not known, to post at the Town Clerk's Office. A notice containing a description of said domestic animal, and when and where it was apprehended. If no owner shall claim the same within three (3) days after such notice

or posting, the animal or animals shall be taken to the Franklin County Humane Society
30 Sunset Meadows, St. Albans, Vermont 05478 Telephone 802-524-9650.

SECTION 8-Redemption of Impounded Domestic Animals: Fees

- (a) The owner or person entitled to the possession of an impounded domestic animal may reclaim such animal upon payment of all costs and charges incurred in impounding and maintaining said animal. The following charges shall be paid to the Town Constable to defray costs of impoundment:
- (b) Impoundment Charges will be \$10.00 per day, up to 3 days, at which time the impounded animal will be sent to the Franklin County Humane Society.
- (c) Penalties must also be paid at redemption (see section 9). This penalty shall be made payable to the Town of Bakersfield.

SECTION 9- Penalties

For the convenience of the public and economy in enforcement, the enforcement officer is hereby authorized to issue a ticket to persons violating this ordinance and bring an enforcement action pursuant to Title 24 V.S.A. Chapter 59.

- A) When a pet is found to be in violation of this ordinance, the Enforcement Officer May:
 - 1. Issue a verbal warning to the owner, or;
 - 2. Issue a written warning to the owner and file a copy with the Town Clerk, or;
 - 3. The pet may be impounded with the following charges payable to the Town of Bakersfield.

First Offense	\$25.00
Second Offense	\$50.00
Third Offense	\$100.00

Fourth Offense-Animals will not be impounded in Bakersfield, but will be brought to the Franklin County Humane Society.
- B) For violation of Section 5, subsection A-K, provided in 20 V.S.A. 3550, the Enforcement Officer may file a Notice of Alleged Violation with the owner and the Selectboard. The Selectboard may, after due deliberation, impose a civil penalty of up to \$500.00 and issue a directive that the owner take actions necessary to achieve compliance with the Ordinance and Law.
- C) As provided in 20 V.S.A. 3550, a person who receives a Notice of Fine or a Notice of Violation shall be offered an opportunity, in the notice, for a hearing before the Selectboard, provided that a written request for a hearing is filed with the Town Clerk no later than 15 days after the date of the Notice of Fine or Notice of Alleged Violation. If the owner does not request a hearing in a timely fashion, the decision shall be final and the penalty shall be payable within 30 days following the receipt of the Notice.
- D) The Selectboard is hereby empowered to adjust the impoundment fees and boarding charges provided in this section by appropriate resolution. The Selectboard may make such adjustment in said fees and charges as they deem appropriate and necessary from time to time. Any such resolution shall be attached to this Ordinance, as filed, and copies shall be made available with copies of the Ordinance.

SECTION 10- Enforcement

- A. The dog Ordinance shall be in effect with any fees going to the person catching the dog.
- B. Anyone filing a complaint should note that all correspondence should be in written form.

SECTION 11- Severability

- A. Any part or provision of this Ordinance shall be considered severable, and the invalidity of any part of section will not be held to invalidate any other part or provision of this Ordinance.

SECTION 12-Effective Date

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

Adopted on a Meeting held on June 27, 2005. Effective date will be August 27th

March 22, 2010, last revision.