

Title 6: ANIMALS

6.04.020 "DEFINITIONS"

Currently reads:

Canine Control Committee means an unpaid advisory board made up of five residents of the town, appointed by the town council with the tasks of monitoring the effectiveness of this chapter, assuring the humane treatment of the animals regulated by this chapter, promulgating necessary changes to this chapter, assessing the performance of the animal control officer and promoting educational programs designed to foster responsible dog ownership.

Recommended Change:

This entire definition should be omitted, due to the fact that this committee is not in existence.

6.04.040 "LICENSES—FEES—TAGS—PROOF OF VACCINATION—EXPIRATION AND RENEWAL"

Subsection A.

Currently reads:

- A. All dogs older than three months of age shall be required to be licensed on an annual basis *between July 1st and August 15th of each year*. Such licensing shall be supervised by the town clerk; and the fee for each license shall be ten dollars (\$10.00).

Recommended Change:

- A. All dogs older than three months of age shall be required to be licensed on an annual basis *by January 1st of each year*. Such licensing shall be supervised by the town clerk; and the fee for each license shall established by the schedule of fees in the custody of the Town Clerk.

Subsection C.

Currently reads:

- C. Licenses shall expire on *June 30th of each year* and shall be renewed in accordance with this section.

Recommended Change:

- C. Licenses shall expire on *December 31st of each year* shall be renewed in accordance with this section.

6.04.090 Nuisance dogs--Vicious dogs--Potentially vicious dogs.

Currently reads at section B:

B. Vicious Dogs.

1. Vicious dogs are defined as dogs who unprovoked have attacked or bitten a human being or animal or have a known propensity, tendency or disposition to attack unprovoked, to cause injury or to endanger the safety of human beings or animals.
2. No dog shall be declared vicious if injury or damage is sustained by a person who was willfully trespassing or committing or attempting to commit a crime or committing other tort upon the premises occupied by the owner or keeper of the dog. Also exempted are dogs who were teased, tormented, abused or assaulted by the injured person or animal prior to attacking or biting. No dog shall be declared vicious if the dog was protecting or defending a human being in its immediate vicinity from attack or assault.
3. The definition of vicious dog also includes dogs who are trained or kept for dogfighting or any of the breeds commonly referred to as belonging to the "pit bull" variety of terrier, which consists of the following breeds or breed types and mixtures: American Staffordshire Terrier, American Pit Bull and Pit Bull Terrier. No person shall own, keep or have the custody, care or control of any of these breeds or mixtures thereof in the town.

Recommended Change: To add revise section 3.

B. Vicious Dogs

1. Vicious dogs are defined as dogs who unprovoked have attacked or bitten a human being or animal or have a known propensity, tendency or disposition to attack unprovoked, to cause injury or to endanger the safety of human beings or animals.
2. No dog shall be declared vicious if injury or damage is sustained by a person who was willfully trespassing or committing or attempting to commit a crime or committing other tort upon the premises occupied by the owner or keeper of the dog. Also exempted are dogs who were teased, tormented, abused or assaulted by the injured person or animal prior to attacking or biting. No dog shall be declared vicious if the dog was protecting or defending a human being in its immediate vicinity from attack or assault.
- 3. The definition of vicious dog also includes dogs who are trained or kept for dogfighting. No person shall own, keep or have the custody, care or control of the same in the Town.**

6.04.090 Nuisance dogs--Vicious dogs--Potentially vicious dogs.

Subsection D.

Currently reads:

D. Dogs who have violated any of the conditions of subsections A through C of this section can be declared to be a nuisance, vicious or potentially vicious by the *town council* upon written complaint of a citizen or by the animal control officer, police department or other public safety agent.

Recommended Change:

D. Dogs who have violated any of the conditions of subsections A through C of this section can be declared to be a nuisance, vicious or potentially vicious by the *town manager* upon written complaint of a citizen or by the animal control officer, police department or other public safety agent.

Section: 6.04.100 "FINES"

Subsection A.

Currently reads:

- A. Failure to license *between July 1st and August 15th of each year*: first offense twenty – five dollars (\$25.00); second offense fifty dollars (\$50.00); third and subsequent offense one hundred dollars (\$100.00).

Recommended Change:

- A. Failure to license by *January 1st of each year*: first offense twenty –five dollars (\$25.00); second offense fifty dollars (\$50.00); third and subsequent offense one hundred dollars (\$100.00).

6.04.140 Barking dogs.

Currently Reads:

A. Nighttime Repetitive Barking. It is unlawful for a dog owner to allow a dog within the town to bark in the open, outside of any building or inside a building in such a manner as to be heard beyond the premises where the dog is quartered, repetitively for more than ten (10) minutes during the quiet hours between nine p.m. and seven a.m.

B. Daytime Repetitive Barking. It is unlawful for a dog owner to allow a dog within the town to bark in the open, outside of any building or inside a building in such a manner as to be heard beyond the premises where the dog is quartered, repetitively for more than thirty (30) minutes during the hours between seven a.m. and nine p.m.

C. Multiple Violations. Multiple violations of this section shall be deemed a nuisance and subject to a hearing as stated in Section 6.04.090 of this chapter.

D. Fines. The owner of any dog found by the animal control officer or the police department to be in violation of this section shall be subject to a fine as follows:

1. Twenty-five dollars (\$25.00), first offense in a three hundred sixty-five (365) day period.
2. Fifty dollars (\$50.00), second offense in a three hundred sixty-five (365) day period.
3. One hundred dollars (\$100.00), third and each subsequent offense in a three hundred sixty-five (365) day period.

(Prior code § 13-17)

Recommended Change:

Omit 6.04.140 Barking dogs entirely.

Note: This “Barking dog” Ordinance was enacted by the Town Meeting in 2005. After meeting with many concerned citizens and the Town’s Animal Control officer it is clear that this ordinance is difficult to enforce and therefore does not serve its original purpose. A excessively barking dog could now be deemed a nuisance under 6.04.090 and dealt with in that manner.