

## Written Warning

Smith, Francis T <Francis.T.Smith@vermont.gov>

Wed 2/22/2023 01:37

To: ackerwastemanagement@gmail.com <ackerwastemanagement@gmail.com>

Cc: Nason, Bruce <Bruce.Nason@vermont.gov>

📎 1 attachments (8 MB)

20230222\_Wade Acker\_Written Warning.pdf;

Good Morning Wade,

Attached you will find a Written warning for the violation of the town dog ordinance for the violation of Dog License Required, Section: 125-3 of the ordinances. a copy of the ordinance is also included.

Please reach out if you have any questions, or you can contact a member of the select board if you are more comfortable with speaking with them.

Respectfully sent,

**Francis Smith**

Police Officer  
Bristol Police Department  
72 Munsill Avenue  
Bristol, VT 05443  
(802) 453-2533



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# Bristol Police Department

Bruce G. Nason, Chief of Police  
PO Box 249, 72 Munsill Ave, Bldg 6 Suite 603  
Bristol, VT 05443  
Dispatch 802-453-2533 Fax: 802-453-6868

## WARNING

Name: WADE ACKER DOB: [REDACTED]

Street address: 159 CHOWNICE RD

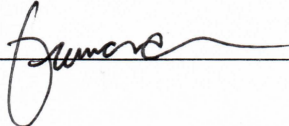
City: BRISTOL State: VT Zip: 05443 Phone: [REDACTED]

Violation: DOG LICENSE REQUIRED Section: 125-3

Comments-Notes: 22BR003224 - On 11/05/2022 at approximately 1527 hours

I ~~ad~~ informed Tatum Main that your dogs had to have been registered with the town in April and that it was to be renewed every year in April.

Issued date: 01/22/2023 Issued by: Francis Smith M107

Signature: 

Town of Bristol  
Dog Ordinance

- 125-1. Statutory authority.
- 125-2. Definitions.
- 125-3. License required.
- 125-4. Nuisances prohibited.
- 125-5. Running at large prohibited.
- 125-6. Vicious dogs prohibited.
- 125-7. Dogs in heat to be confined.
- 128-8. Dog waste.
- 125-9. Complaint procedure; hearing.
- 125-10. Failure to comply.
- 125-11. Impoundment.
- 125-12. Reasonable methods for capture authorized.
- 125-13. Release from pound.
- 125-14. Conditions for release; charges.
- 125-15. Violations and penalties.
- 125-16. Severability.
- 125-17. Previous provisions repealed.
- 125-18. When effective.

125-1. Statutory authority.

Pursuant to 20 V.S.A. § 3549, 24 V.S.A. § 2291 (10) (14-15) and 24 V.S.A. § 1971 the following ordinance is enacted in order to regulate the keeping of dogs in the Town of Bristol. This ordinance is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

125-2. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

DOG - Includes both male and female domestic dogs (*canis familiaris*) and wolf-hybrids as defined in 20 V.S.A § 3541(8).

DOG CREATING A NUISANCE — A dog which causes damage to personal property, harasses a pedestrian, bicyclist or other passerby, obstructs traffic, barks excessively by disturbing the quiet and comfort of others by frequent, habitual or persistent barking or howling, or repeatedly scatters refuse, or otherwise becomes a nuisance or creates a disturbance.

DOG RUNNING AT LARGE — A dog which is not on the property of its owner or keeper and is:

- A. Not on a leash;
- B. Not on or within a vehicle;
- C. Not engaged in hunting with its owner or keeper;

D. On the property of another person, with that person's permission;

E. Clearly under the verbal or non-verbal control of owner or keeper.

**DOMESTIC ANIMAL**— An animal identified in 6 V.S.A. § 1151(2). Where applicable, the definitions of particular animals provided by 6 V.S.A. § 1151 shall control. The term "domestic animal" shall also include an animal defined as a "domestic pet" or "pet" by 20 V.S.A. § 3541(3).

**ISSUING MUNICIPAL OFFICIAL** — A constable of the Town of Bristol, Bristol Police Department, Pound keeper, Dog Warden, Town Administrator and any other person designated by the Selectboard to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint to enforce this ordinance.

**OWNER or KEEPER**— Any person(s) who owns, harbors, keeps, or permits any dog to be kept in or about their buildings of premises or who is in actual or constructive possession of a dog in the Town of Bristol.

**PERSON** — A natural person, corporation, partnership, unincorporated association or other legal entity; or an agent thereof.

**POUND and POUNDKEEPER**— The pound and Pound keeper shall be that place and that person, respectively, designated from time to time by the Selectboard to detain and care for dogs seized by an issuing municipal official in the enforcement of this ordinance.

**VICIOUS DOG** — A dog which causes reasonable fear of bodily injury by attacking or threatening to attack any domestic animal or any person, except a person who is in the act of committing unlawful (criminal) trespass or other criminal act upon the private property or person of the owner or keeper of the dog.

#### 125-3 License required.

A person who is the owner of a dog more than six months old shall annually on or before April 1 cause the dog to be licensed as required by 20 V.S.A. § 3581-3582. The failure of a dog owner to comply with that statute, shall constitute a violation of this ordinance and violation of 20 V.S.A. § 3550 (a), authorizing a municipality to impose a civil penalty of up to \$500 per violation.

#### 125-4 Nuisances prohibited.

An owner or keeper shall not permit a dog to create a nuisance as defined in 125-2.

#### 125-5 Running at large prohibited.

An owner or keeper shall not allow a dog to run at large within the limits of the Town of Bristol as defined in 125-2.



125-6 Vicious dogs prohibited.

A person shall not own or keep a vicious dog as defined in 125-2, except upon such terms and conditions as ordered by the Bristol Selectboard.

125-7 Dogs in heat to be confined.

An owner or keeper shall not permit a female dog in heat to be outside of a building or a secured enclosure or running at large as defined in 125-2.

125-8 Dog waste.

The person in control of a dog that defecates in any public area or on the private property of another person, shall immediately remove the fecal matter and dispose of it in a sanitary manner.

125-9 Complaint procedure; hearing.

A. A person who claims that a dog is a vicious dog or is a dog creating a nuisance may file a written complaint with the Bristol Selectboard. The complaint shall contain the name, address and telephone number of the complainant, the time, date and place of each occurrence relied upon in support of the claim, an identification of the domestic animal threatened or attacked, the name and address of any victim or victims and any other facts which may assist the Bristol Selectboard in conducting the investigation required by Subsection B of this section.

B. The Bristol Selectboard or their designee, upon receiving the complaint, shall investigate the charges and hold a hearing on the matter at a duly warned meeting within 7 days of receipt of said complaint. The Selectboard may also hold such a hearing on their own motion, without receiving a complaint, if they have reason to believe a dog is vicious or is creating a nuisance. If the owner or keeper of the dog which is the subject of the hearing can be ascertained, the owner or keeper shall be provided with a written notice of the time, date place of hearing and the facts of the complaint.

C. Following the hearing, the Bristol Selectboard shall issue a determination as to whether the dog is a vicious dog as defined in 125-2 or if the dog is creating a nuisance as defined in 125-2. Upon so finding, the Selectboard may issue an order for the protection of persons, domestic animals, and/or property as the facts and circumstances of the case may require; including, without limitation, that the dog be muzzled, chained, confined, given to Homeward Bound, relocated to a Bristol Selectboard approved destination or disposed of in a humane way. If the owner or keeper of the dog can be ascertained, the order shall be sent to the owner or keeper by certified mail, return receipt requested. If the dog is suspected to have rabies, provisions of 20 V.S.A. § 3801-3813 and the rules of the State Department of Health shall apply.

D. Nothing contained in this section shall require proceedings before or an order from the Bristol Selectboard as a precondition to enforcement of this ordinance by an issuing municipal official pursuant to 125-11 through 125-15 (inclusive) of this ordinance.

125-10 Failure to comply.

A violation of or failure to comply with an order of the Bristol Selectboard issued pursuant to this ordinance shall itself constitute a violation of this ordinance.

125-11 Impoundment.

A. Where issuing municipal official finds a dog to be in violation of this ordinance or of an order of the Selectboard, the issuing municipal official may impound the dog at the town pound and/or may issue to the owner or keeper of the dog a municipal complaint pursuant to 24 V.S.A. § 1977.

B. Upon the filing of a complaint under 125-9A, an issuing municipal official may impound a dog which is claimed to be a vicious dog pending a determination of the Bristol Selectboard pursuant to 125-9C.

125-12 Reasonable methods for capture authorized.

An issuing municipal official may use all reasonable methods, including the use of tranquilizing and marking apparatus, for catching and impounding dogs claimed to be vicious pursuant to 125-9A or found to be in violation of this ordinance or of an order of the Bristol Selectboard.

125-13 Release from pound.

In the event that a dog is impounded, the procedure for securing the release of a dog from the pound shall be as follows:

A. Upon delivery to the pound, the issuing municipal official shall notify the owner or keeper, if the dog is licensed and has identifying tags. Notice shall be sufficient if given to its owner personally, by telephone call or written notice. The dog shall be held for five working days unless claimed earlier.

B. If the dog is unlicensed, the issuing municipal official shall notify the owner or keeper (as outlined in 125-13 A) if known, and if unknown, shall post a notice containing a description of the dog on a bulletin board in the Town Clerk's office for five working days.

C. If no owner, keeper or person, known or unknown, claims the dog within five working days, the dog shall be taken to Homeward Bound, the local humane society.

D. The owner or keeper of any impounded dog shall not remove the dog from the pound until it is properly licensed and proof is given to the Town Office and to the issuing municipal official of the administration of any immunization or shots as required by law, including, but not limited to, rabies inoculation.

E. Where the Bristol Selectboard has determined an impounded dog to be vicious pursuant to 125-9C, the owner or keeper, known or unknown, shall not remove the dog from the pound except on such terms and conditions as ordered by the Bristol Selectboard; however, the foregoing provision as to release from the pound shall not apply to a vicious dog which the Bristol Selectboard has ordered to be humanely destroyed.



125-14 Conditions for release: charges.

- A. The owner or keeper of a dog which has been impounded shall not remove such dog from the pound until he or she has paid the Town of Bristol charges for taking and keeping the dog; an impoundment fee as outlined below, plus \$10 per day for boarding, to the Town, to cover the administrative costs of enforcing this ordinance; any license fees; and the cost of any immunization or shots as required by law, including but not limited to rabies inoculation.
- B. Impoundment fees shall be charged as follows:  
\$25 for the first offense and \$40 for all subsequent offenses.
- C. Each impoundment fee and any expenses the town incurs in impounding, keeping or humanely destroying any such dog shall be a charge and claim of the town against the owner or keeper of such dog, collectible by action of the Town, and the Town shall have a lien on such animal for such fee and all expenses so incurred.

125-15 Violations and penalties.

- A. A civil penalty of not more than \$500 may be imposed for a violation of this civil ordinance per 20 V.S.A § 3550. Each day the violation continues shall constitute a separate violation of this ordinance.
- B. An issuing municipal official is authorized to recover by the issuance of a municipal complaint, civil penalties in the following amounts for each violation of this ordinance:
- (1) First violation: written warning.
  - (2) Second violation: \$25.
  - (3) Third violation: \$50.
  - (4) Fourth and subsequent violations: \$75.
- C. In lieu of the civil penalties provided in Subsection B, an issuing municipal official is authorized to recover a waiver fee in the following amount from any person to whom a municipal complaint is issued who declines to contest the municipal traffic complaint and pays the waiver fee:
- (1) First violation: \$0.
  - (2) Second violation: \$15.
  - (3) Third violation: \$35.
  - (4) Fourth and subsequent violations: \$45.
- D. Other relief. In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town of Bristol may pursue any remedy authorized by law, including without limitation the maintenance of a civil action in superior court pursuant to 24 V.S.A. § 1974a(b) to obtain injunctive and other appropriate relief

125-16 Severability.

The provisions of this ordinance are severable. If any provision of this ordinance, or its application to any person or circumstances or within any part of the town is held invalid, illegal or unenforceable by

a court of competent jurisdiction, the invalidity shall not apply to any other portion of this ordinance which can be given effect without the invalid provision or application thereof.

125-17 Previous provisions repealed.

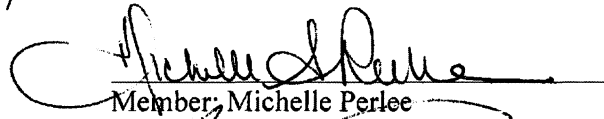
The Town of Bristol's previous Animal Control Ordinance, is hereby repealed effective as of the effective date of this ordinance.

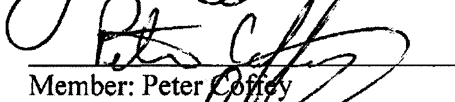
125-18 Effective.

This ordinance was adopted on 8/7/2017. It will take effect on 10/7/2017 (60 days from date of adoption), unless a petition signed by at least 5% of voters of Bristol is filed with the municipal clerk by 9/11/2017 (44 days from the date of adoption), asking for a vote to disapprove the ordinance. If a petition is received, the Bristol Selectboard will warn a special meeting and the voters may vote on that question. 24 V.S.A. §1973.


Dated this 7<sup>th</sup> day of August 2017

  
Chair: John "Pecker" Heffernan

  
Member: Michelle Perlee

  
Member: Peter Coffey

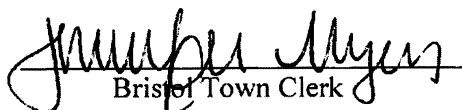
  
Member: Joel Bouvier

  
Member: Theodore Lylis

Adoption History:

1. Agenda item at regular Selectboard meeting held on August 7, 2017.
2. Read and approved at regular Selectboard meeting on August 7, 2017 and entered in the minutes of that meeting which were approved on August 21, 2017 (date accomplished- usually next regular meeting).
3. Posted in public places on 8/10/17 (date posted).
  - Shaws
  - Library
  - N3m
  - Bakery
  - Town office
4. Notice of adoption published in the Addison Independent newspaper on (date published- attach copy of actual paper) with a notice of the right to petition.
5. Other actions (petitions, etc.)

Certificate of the Clerk: I certify this ordinance was adopted as detailed above and filed / recorded on 8<sup>th</sup> day of August 2017

  
Bristol Town Clerk