

AGENDA  
ROXBURY SELECTBOARD MEETING  
TUESDAY, SEPTEMBER 5, 2023  
7:00PM AT THE COMMUNITY HALL

FIRST TEAMS LIVE BROADCAST WILL BE ON OCTOBER 2, 2023

- |             |   |
|-------------|---|
| 7:00        | 1. CALL THE MEETING TO ORDER  |
| 7:00 - 7:02 | 2. ADDITIONS/DELETIONS TO THE AGENDA  |
| 7:02 – 7:22 | 3. PUBLIC   |
| 7:22 – 7:24 | 4. CONSIDER APPROVING THE MINUTES OF AUGUST 21, 2023  |
| 7:24 – 7:30 | 5. ROAD COMMISSIONER'S REPORT <ul style="list-style-type: none"><li>A) EQUIPMENT</li><li>B) ROADS</li><li>C) FEMA UPDATE</li></ul>  |
| 7:30 – 7:40 | 6. FINANCIAL REPORT <ul style="list-style-type: none"><li>A) REVIEW &amp; APPROVE ORDERS</li><li>B) SCHOOL TAX CHECK</li><li>C) INCOME RECEIVE</li><li>D) TAX COLLECTION UPDATE</li></ul>   |
| 7:40 – 8:50 | 7. UNFINISHED BUSINESS <ul style="list-style-type: none"><li>A) ENACTING ORDINANCE LANGUAGE (20 MIN)</li><li>B) WASTEWATER PROJECT – APPROVE FUNDING APPLICATION (10 MIN)</li><li>C) COMMUNITY HALL PROJECT (15 MIN)</li><li>D) DOG ORDINANCE DISCUSSION (25 MIN)</li></ul> |
| 8:50 – 9:25 | 8. NEW BUSINESS <ul style="list-style-type: none"><li>A) LOCAL HAZARD MITIGATION PLAN PROPOSALS (15 MIN)</li><li>B) CEMETERY MOWING COMPLAINT (10 MIN)</li><li>C) RAILROAD WATER ISSUE (10 MIN)</li></ul>   |
| 9:25 – 9:30 | 9. OTHER BUSINESS   |
| 9:30 – 9:40 | 10. EXECUTIVE SESSION – IF NECESSARY  |
| 9:40        | 11. ADJOURN   |

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STATUS UPDATES/FUTURE MEETING ITEMS

- CREDIT CARD ACCEPTANCE – NO UPDATE
- EMERALD ASH BORER – NO UPDATE
- MUNICIPAL TICKETS – DISCUSSION
- TOWN GARAGE – NO UPDATE
- OUTDOOR RECREATION COMMITTEE DISCUSSION

ROXBURY SELECTBOARD MEETING  
MINUTES OF AUGUST 21, 2023  
7:00PM – 10:18PM  
COMMUNITY HALL

MEMBERS PRESENT: Chair Jon Guiffre, Vice-Chair Rene Bouchard and Road Commissioner Dave McShane

STAFF PRESENT: Selectboard Assistant Tammy Legacy

PUBLIC PRESENT: Carol Randall, Don Randall, Dotti Guiffre and sister, Tom Frazier, Mary Bouchard, Roger Boyce & family, Craig Sullivan, Ben Pincus, Jane Pincus, Claire Chomentowski, Arthur Smith, Dave Santi, Eric Sigsbey, Yelena Synkova and family

1. Chair Jon Guiffre called the meeting to order at 7:00 p.m.
2. No additions or deletions to the agenda.
3. Public
  - A) Jane Pincus, member of the ad hoc committee for the Community Hall submitted a report to the Selectboard. Jane stated the committee accomplished what they were asked to do. Don Randall mentioned he was disappointed with the report being not in favor of putting a shower installed. Jane responded the building is not supervised, the school is the red cross shelter and the Fire Station is set up for a shower. It was mentioned the Community Hall does not have a generator at this time. Don does not think the Fire Station is the appropriate place. Don and Rene (members of the ARPA committee) mentioned a situation with an elderly lady without power not being able to take a shower. Rene thinks the building could be opened a couple hours a day for the public to use. Jon stated the architect can be involved with size and space of the building. Tom Frazier does not think the shower is needed with possibility of misuse.
  - B) Ben Pincus requested the Board look into expanding to a five person Selectboard. It would allow work to be divided. Other Towns have done it. Also a possibility of getting a Town Manager or delegating work to committees.
  - C) New Roxbury resident, introduced himself and his wife. They purchased a property in the village.
  - D) Dave Santi does not want the Board expanded.
  - E) Tom Frazier asked about the sidewalk and whether any repairs can be done on them. He also mentioned the sidewalk is blocked in front of the park.
4. Dave moved to approve the minutes of August 7 and 9, 2023 as submitted. The motion was seconded. The Board approved the amended minutes with a vote of 3 to 0.
5. Road Commissioner's Report
  - A) Equipment is in good shape.
  - B) Roads are being repaired. Two Class IV roads were damaged from the storm in July and are impassable. They are a portion of Herriott Road off of Route 12 and the Brookfield side of Cram Hill Road. The roads need to be fixed. The

repairs are not covered by FEMA. Dave will look into possible funding. Herriott Road needs a few hundred yards of gravel and Agency of Natural Resources may need to be involved with Cram Hill.

- C) The Board will review the engineering proposals at the end of the meeting.
- D) Dave stated there will be a preliminary conference call with FEMA.

#### 6. Financial Report

- A) The Board reviewed the orders. Dave moved to approve the orders with add-ons. The motion was seconded and passed with all ayes. The add-ons are to VALA, VMCTA and VLCT for trainings.
- B) Tammy stated the Board had received two quotes for a line-of-credit. Community Bank for 4.99% interest and Northfield Savings Bank for 6% interest. Tammy did reach out to other banks; these are the only ones she received. Dave moved to finalize the line-of-credit with Community Bank for 4.99% interest. The motion was seconded and passed with all ayes.

#### 7. Unfinished Business

- A) There was a discussion on turning a portion of Shaw Road to a pent road. Eric Sigsbey agreed to keep the turn around large enough for a town truck and emergency vehicles. Dave moved to change the designation of a portion of Shaw Road to a pent road. Rene was opposed because he feels the penalty provision should be in the designation. The motion passed 2 to 1 with Rene opposing. All three members signed the document. Dave stated he couldn't find the statute that covers junk in right-of-way. The ordinance covers this. The Washington County Sheriff is rectifying the issue with cars being in the town's right-of-way on Shaw Road. Eric Sigsbey requested the Board designate Shaw Road as a Class IV Road. The history of the road is in 1960 it became a legal trail, in 1975 it became a Class IV, in 1987 it was changed back to a trail. A portion of the road was discontinued in 2007. There was a discussion on the town's classification of legal trails and policy of Class IV Roads. No action was taken; the Board will research more.

- B) Rene reported on video recording meetings. It offered 5 options.

1. Option 1 – Use existing microphone and laptop to connect to Teams meeting. (- to \$50)
2. Option 2 – Using laptop mounted camera pointed at the Selectboard. (approx. \$250)
3. Option 3 – Using laptop mounted camera and tv (approx.. \$775)
4. Option 4 – Using Owl directional camera/speaker/microphone. (approx.. \$1,225)
5. Option 2 – Using Owl directional camera & tv, includes a camera/speaker/microphone. (approx.. \$1,750)

Rene suggests Option 1, 3 and 5. Jon likes the three options considering the size of room; maybe start with Option 1 then to #3 and then #5. With the renovation, the room could be set up for meetings and possibly movies. Dave agrees with starting with Option 1; let's see if anyone attends via Teams. There was a discussion on procedure for using Teams and who would oversee the computer. The Board decided to try Option 1 for the next meeting.

- C) The Board worked on procedure for enacting the ordinance.
- D) The Board discussed whether they should revise the current Dog Ordinance. There is a process for amending ordinances. Rene proposed some changes to

the current ordinance; have owners be issued a judicial ticket for not licensing on time. It was decided letters will be sent to the owners of unlicensed dogs requested they license their dog(s).

- E) Wastewater project was discussed. The Board needs to send loan application to the State. Jon mentioned it is taking three to six months for the loan applications to be approved. The Board briefly reviewed the Otter Creek Contract. This will be discussed at the next meeting.

#### 8. New Business

- A) Craig Sullivan suggested the Town help Roger Boyce clean up his new property which was previously the Jones property. Roger has incurred a lot of unexpected expenses and is trying to get it cleaned up. There is no asbestos on the property. Craig said he needs help from the Town and other people to get it cleaned up. There are back taxes that are owed; requesting an abatement was suggested. Craig believes it is in the Town's benefit and everyone else's to help him. Anyone that is interested in helping should contact Roger.
- B) Rene asked about the process for town grants. Rene is meeting with REDI. Tammy stated each grant has its own folder. Rene suggested having a report on grants be put in the Town Report.
- C) The Board discussed CV Fiber's request to place a cabinet on a concrete pad on the land between the Fire Station and the Town Office. Dave is not in favor of putting it on that property but suggested the Town Garage or Third Branch Park. Rene thought the Third Branch Park would be good because CV Fiber would put a driveway in and that would get the Town closer to having a community garden in the park. Jon does not want it at the Town Office but thought the Town Garage might be a good place to have it. It was confirmed that no one is interested in having it at the Town Office.
- D) Point of Information – Municipal Technical Assistance Program was mentioned. No action taken.
- E) Rene reported on the Fish & Wild visit regarding beaver issues. There was a discussion. The area in question is in the wetlands and on private property.

5C – The Board reviewed the two engineering firms' proposals they received. Hoyle Tanner and Dubois & King were the two firms. Both are reputable firms. Dave would like to go with Hoyle Tanner. All agreed to Dave's suggestion. Dave moved to approve Hoyle Tanner as our engineering firm and move forward with a contract with them to work on our FEMA projects to start. The motion was seconded and passed with all ayes. The position would be for a period of four years.

#### 9. Other Business – None

10. Executive Session – Dave moved to go into executive session with an invitation to Tammy to join them for contract negotiation. The motion was seconded and passed 3 to 0. The Board entered executive session at 10:10 p.m. The Board exited at 10:17 p.m. No action taken.

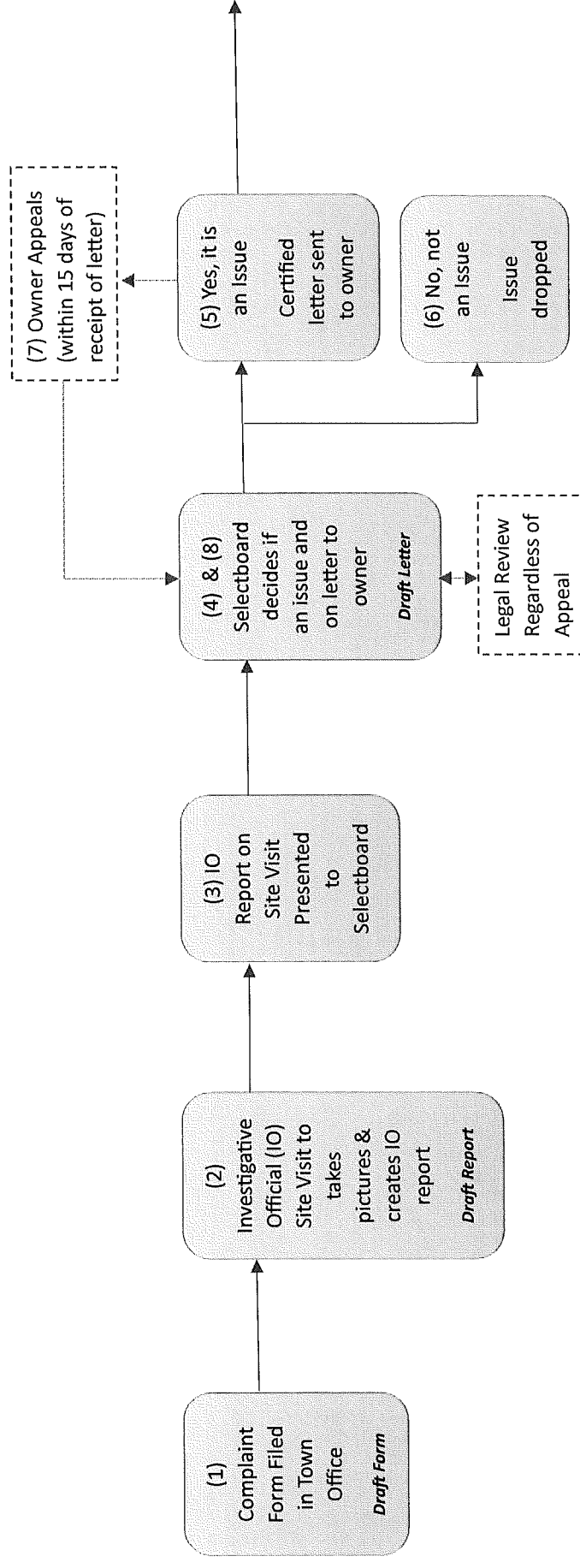
With no further business to discuss, the meeting adjourned at 10:18 p.m.

\_\_\_\_\_ Tammy Legacy, Selectboard Assistant Approved on \_\_\_\_\_

# Disposal of Solid Waste and the Outdoor Storage of Junk and Junk Vehicles Ordinance

## 3<sup>rd</sup> Draft Process

as at 30-Aug-23



- 1) process begins with complaint form being filed with the Town Office
- 2) Investigative Official (IO) does a drive-by site visit and without trespassing, takes photos and prepares a report as evidence
  - a. *IO position still being considered by the Selectboard. Possibly defined as "Town Health Officer, Town Constable, Town Office Personnel or any other person so designated by the Selectboard."*

- 3) IO Report presented to the Selectboard

- 4) the Selectboard reviews the IO Report to determine if complaint to the Town is an issue

- a. if it is an issue the Board decides on contents of the initial contact letter and then runs both the IO report and proposed Letter by the Town Attorney

- 5) after hearing back from the Town Attorney and making any other adjustments, a certified letter is sent to the property owner

- 6) if it is not an issue, the matter is dropped

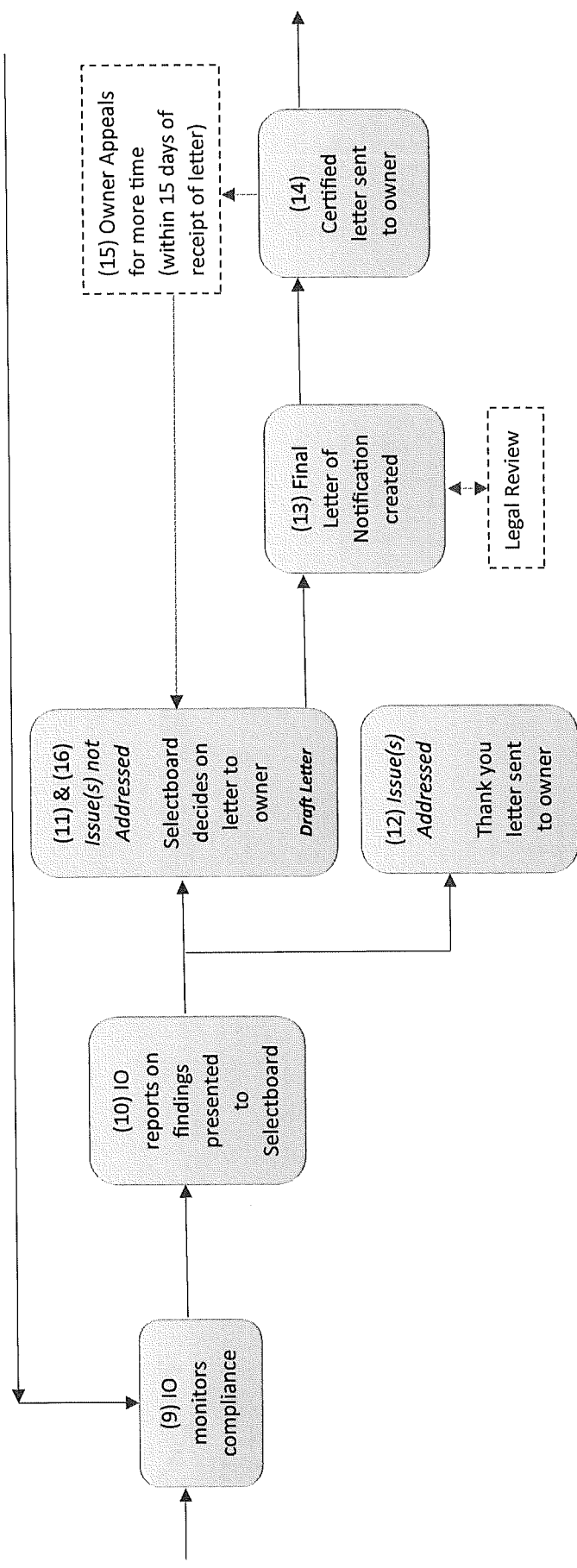
- 7) as specified in the certified letter, the property owner has 15 days to request an appeal hearing in writing

- 8) if requested, Selectboard holds appeals hearing

# Disposal of Solid Waste and the Outdoor Storage of Junk and Junk Vehicles Ordinance

## 3<sup>rd</sup> Draft Process

### as at 30-Aug-23

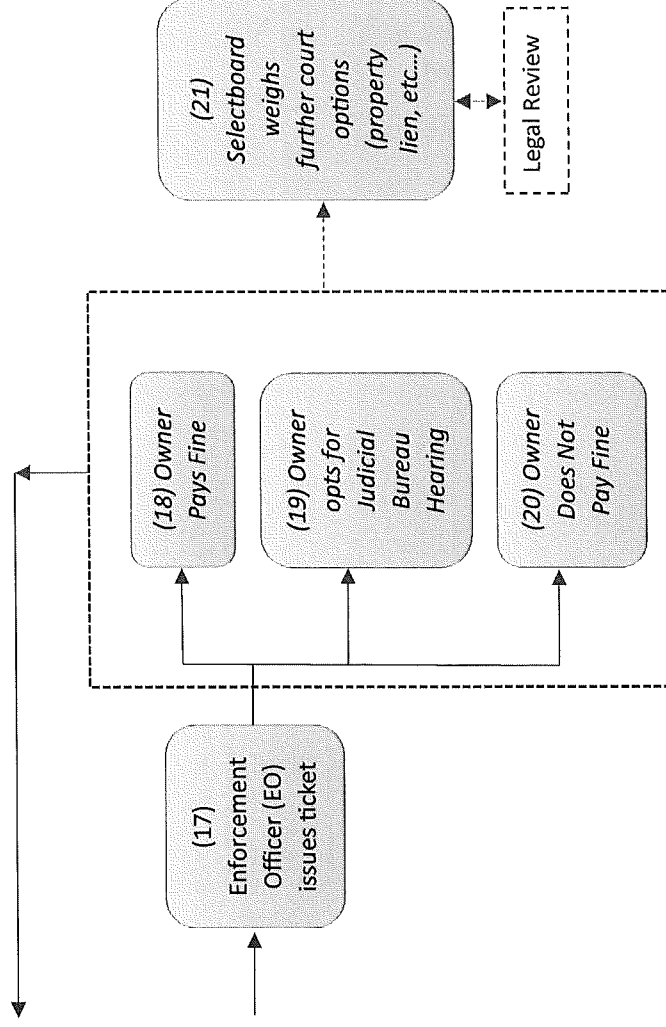


- 9) on or after the compliance date specified in the Notification Letter, the IO revisits the property to assess compliance
- 10) IO prepares update and reports to the Selectboard
- 11) Selectboard decides if issue has or has not been addressed and the corresponding letter to send
- 12) if issue has been addressed, a thank-you letter is sent
- 13) if issue has not been addressed, a Letter of Notification is created and the IO report and Letter are run by the Town Attorney
- 14) once the Town Attorney has reviewed and any suggested changes made, the letter is sent via certified mail
- 15) as specified in the certified letter, the property owner has 15 days to request an appeal hearing in writing
- 16) if requested, Selectboard holds appeals hearing

# Disposal of Solid Waste and the Outdoor Storage of Junk and Junk Vehicles Ordinance

## 3<sup>rd</sup> Draft Process

### as at 30-Aug-23



- 17) once appeal period has passed and if no word received from owner, an Enforcement Officer (EO) issues a Municipal Ticket to be enforced through the Judicial Bureau
- a. *EO position still being considered by the Selectboard. Possibly defined as "those persons designated by the Selectboard, duly registered with the Judicial Bureau and so eligible to write Judicial Bureau Municipal Tickets."*
- 18) owner pays ticket waiver amount and process loops back to IO revisiting for compliance
- 19) owner opts for court hearing and at conclusion of hearing, process loops back to IO revisiting for compliance
- 20) owner does not pay fine so court actions proceed and process loops back to IO revisiting for compliance
- 21) if warranted, Selectboard decides with help of Town Attorney on what further steps shall be taken

**TOWN OF ROXBURY  
DISPOSAL OF SOLID WASTE AND THE OUTDOOR STORAGE OF  
JUNK AND JUNK VEHICLES  
COMPLAINT FORM**

Location & Description of Property:

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Brief Description of Your Complaint:

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Complainant Name & Date

Signature \_\_\_\_\_

Please Print \_\_\_\_\_

Date: \_\_\_\_\_

**\* This form is not valid unless it bears the Roxbury Town Office Stamp of Receipt**

27-Aug-23 12:10 PM

**TOWN OF ROXBURY  
DISPOSAL OF SOLID WASTE AND THE OUTDOOR STORAGE OF  
JUNK AND JUNK VEHICLES  
INVESTIGATIVE OFFICER REPORT**

On <date>, a complaint was filed with the Roxbury Town Office concerning the Disposal of Solid Waste and the Outdoor Storage of Junk and Junk Vehicles ordinance.

On <date>, <name> acting as the Town Investigative Officer for the Town of Roxbury, conducted an observatory inspection of the following property:

<property location & description>

Upon inspection, it was determined by the Investigative Officer that the property

(Circle one:)    *does*                      *does not*

appear to be in a state of non-compliance with the Disposal of Solid Waste and the Outdoor Storage of Junk and Junk Vehicles ordinance as outlined in the complaint.

The following notes & condition(s) were observed:

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Any photographs accompanying this report were taken on this day.

(Signed) \_\_\_\_\_  
Roxbury Investigative Officer

Date: <date>

**TOWN OF ROXBURY  
DISPOSAL OF SOLID WASTE AND THE OUTDOOR STORAGE OF  
JUNK AND JUNK VEHICLES  
LETTER OF ORDINANCE NON-COMPLIANCE**

<name>

<address>

<city, state zip>

RE:   <property location>

Good Day,

We, the Selectboard from the Town of Roxbury Vermont, are writing you today with regards to our belief that you are in a state of non-compliance with the Town's ordinance on the Disposal of Solid Waste and the Outdoor Storage of Junk and Junk Vehicles.

On <date>, a complaint was filed in the Roxbury Town Office.

On <date>, a Town Investigative Officer drove by your location and the subsequent report confirms there is cause.

On <date>, the Selectboard reviewed the complaint and the Investigative Officer report. Upon this review, we believe the following condition(s) cause your property to be in a state of non-compliance with the aforementioned Ordinance:

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We expect you to take the following action(s) to bring your property into compliance:

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The foregoing action(s) must be completed by the compliance date of: *<date>*.

If you fail to comply, you shall be considered to be in violation of the Disposal of Solid Waste and the Outdoor Storage of Junk and Junk Vehicles Ordinance and you will be so notified. The violation shall be a civil matter and a Town Enforcement Officer will subsequently be instructed to issue you a Municipal Ticket enforced through the Judicial Bureau.

You have the right to appeal to the Town of Roxbury Selectboard by filing a written notice of appeal with the Roxbury Selectboard within fifteen (15) days of receipt of this Letter. The notice of an appeal must be in writing and shall set forth a brief statement of the basis of the appeal. You have the right to be represented by legal counsel at the hearing.

Roxbury Selectboard

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Date: *<date>*

**Attachments:**

Copy of Complaint Filed

Copy of Investigative Officer Report

Copy of the Town of Roxbury Ordinance for the Disposal of Solid Waste and the Outdoor Storage of Junk and Junk Vehicles and its adopted Process Flow

**TOWN OF ROXBURY  
DISPOSAL OF SOLID WASTE AND THE OUTDOOR STORAGE OF  
JUNK AND JUNK VEHICLES  
ORDINANCE NON-COMPLIANCE  
LETTER OF NOTIFICATION**

*<name>*

*<address>*

*<city, state zip>*

RE: *<property location>*

Good Day,

This Letter of Notification from the Town of Roxbury Selectboard is being sent because you are in violation with the Town's ordinance on the Disposal of Solid Waste and the Outdoor Storage of Junk and Junk Vehicles.

On *<date>*, a complaint was filed in the Roxbury Town Office.

On *<date>*, a Town Investigative Officer drove by your location and prepared a report.

On *<date>*, the Selectboard reviewed the complaint and the Investigative Officer report and determined that there was just cause.

On *<date>*, the Selectboard wrote you specifying why you were in a state of non-compliance with the Ordinance and laying out the steps we needed to see taken.

That letter included a compliance date of *<date>* which has now passed.

Therefore, you have the right to appeal this finding to the Town of Roxbury Selectboard by filing a written notice of appeal with the Roxbury Selectboard within fifteen (15) days of receipt of this Letter. The notice of an appeal must be in writing and shall set forth a brief statement of the basis of the appeal. You have the right to be represented by legal counsel at the hearing.

Once that time-period has passed, know that the Selectboard shall be instructing a Town Enforcement Official to issue you a Municipal Ticket which is enforced through the Judicial Bureau.

Roxbury Selectboard

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Date: <date>

DRAFT

cc: Roxbury Town Attorney  
Roxbury Town Office  
Vermont Department of Environmental Conservation

28-Aug-23 9:03 AM

**To:** Roxbury Selectboard

**From:** Rene Bouchard, Selectboard Member

**Date:** 29-Aug-23

**RE:** Proposed Dog Control Ordinance Updates

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On Monday 21-Aug-23 the Selectboard discussed proposed updates to the existing Dog Control Ordinance. The updates had been suggested to increase registration compliance to State law and the Roxbury ordinance.

For ease of reference, attached is a modified draft of the Dog Control Ordinance as adopted in 2005 and you will see the proposed changes in bold italics in Ordinance Sections:

- 7 Enforcement
- 10 Penalties and Costs (*please see the note at the end of Section 10*)

At the 21-Aug meeting the conversation turned to the burden that Municipal Tickets bring with having to have the Enforcement Officer present should someone request a hearing. This is all a function of using 24 VSA 1974a as it was written into the ordinance back in 2005.

An option mentioned was that we not make use of Judicial Bureau Municipal Ticketing for the Dog Ordinance to escape the overhead. Points to consider are:

- 1) by not using Title 24, the Selectboard & Town will be taking on the role of the Judicial Bureau, specifically including enforcement
- 2) meaning we will rely on Title 20 VSA 3550 which has a max fine of \$500
  - a. to-date we have relied on letters with no fines levied that I have been made aware of
  - b. we have 5 years of non-compliance history averaging 7.4 animals per year and as of 16-Aug we have 13 animals unregistered which was down from 32 animals as at 21-Jul-23.
  - c. per 20 VSA 3550(h) if the fine is not paid the legislative body (that's us) can file a small claims action with the Civil Division of the Superior Court
  - d. remember, a tax abatement was awarded in 2023 for an amount greater than \$500 because among other reasons, it was deemed "too expensive to pursue"
- 3) by using Title 24 as currently written into the Ordinance, then we rely on the Judicial Bureau and its law enforcement powers to handle any non-payment hold-outs for a cost to Taxpayers of a \$12.50 admin fee deducted from the fine paid.

I believe we should strongly consider standardizing on using Judicial Bureau Municipal Ticketing.

## Proposed Dog Control Ordinance Updates

as at 29-Aug-23

Page 2 of 2

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Doing so adopts a process consistent with the Solid Waste ordinance thereby simplifying things for the Selectboard and the Town Office. Non-compliance to a Town ordinance elicits the same type of response...letters & tickets.

Furthermore, adhering to the following proposed process flow for 2024 and beyond gives us date-certain action points. It also gives unregistered folks a reminder letter on 02-Apr with an ample compliance timeframe.

02-Jan-xx	or first day of Town business in a new year, dog registration opens
xx-Mar-xx	Town sponsored rabies clinic held every year in March
01-Apr-xx	the last day for dog registration
02-Apr-xx	Town Clerk sends Notice letter to every untagged dog owner giving them until 30-May to register; the 02-Apr untagged report is shared with the Selectboard
31-May-xx	Town Clerk sends 31-May untagged dog owner report to the Selectboard for action
xx-Jun-xx	Selectboard authorizes municipal tickets

### **Summary:**

I would like to suggest that the Selectboard:

- 1) adopt the proposed process flow for 2024 and beyond with the date certain action points
- 2) adopt the proposed Ordinance changes, knowing per Tammy, that a period is then allowed for anyone to object
- 3) after that period expires, the amended ordinance is in effect
- 4) meanwhile, pursue getting the Town ready to write Municipal Tickets
- 5) once we have the ability to write tickets, send out date-specific letters to any remaining 2023 unregistered dog owners
- 6) after specified compliance date, ticket any hold-outs

### **Attachment:**

- amended copy of 2005 Dog Control Ordinance

## **TOWN OF ROXBURY DOG CONTROL ORDINANCE**

**SECTION 1. AUTHORITY.** This ordinance is adopted by the Selectboard of the Town of Roxbury under authority of 20 V.S.A, 3549, 24 V.S.A 2291 (10) and 2291 (14 & 15) and 24 V.S.A. Chapter 59

**SECTION 2. PURPOSE.** It is the purpose of this ordinance to regulate the keeping of dogs, to protect public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

**SECTION 3. DEFINITIONS.** For purposes of this ordinance, the following words and/or phrases shall apply.

- A. **"Dog"** means any member of the canine species, including the progeny of a dog and a wolf (wolf hybrid) and/or an animal represented to be a wolf hybrid;
- B. **"Owner"** means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter for a dog;
- C. **"Running at Large"** means that a dog is not:
  - 1. on a leash;
  - 2. in a vehicle;
  - 3. on the owner's property;
  - 4. on the property of another person with that person's permission;
  - 5. clearly under the verbal or non-verbal control of the owner; or
  - 6. hunting with the owner.
- D. **"Vicious Dog"** means a dog that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal as defined in 20 V.S.A. 3541.

## **SECTION 4. DISTURBANCES AND NUISANCES**

- A. No dog shall run at large in the town.
- B. No dog shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog.
- C. A female dog in heat shall be confined to a building or other secure enclosure, except while under direct control of the owner.

- D. No person shall own, keep or harbor a dog that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

## **SECTION 5. COLLAR AND LICENSE**

- A. Each dog shall be licensed according to the laws of this state and shall wear a collar or harness with the current license attached.
- B. The owner of a dog that is found running at large without a collar or harness and license shall be notified of the town's dog ordinance and state statute regarding licensing. If the owner is unknown, the dog shall be taken by the constable or animal control officer to the town's designated pound-keeper or the Central Vermont Humane Society.

**SECTION 6. HUMANE CARE OF DOGS.** All dogs shall be furnished with clean and safe facilities, water and shelter sufficient to protect the animal and the public health. Any dog determined by a constable or animal control officer to be without such clean and safe facilities may be impounded.

**SECTION 7. ENFORCEMENT.** This is a civil ordinance and shall be enforced by *Enforcement Officers such as* a constable or animal control officer *or any other person as designated by the Selectboard* in the Vermont Judicial Bureau in accordance with 24 V.S.A. 1974a et seq.

## **SECTION 8. IMPOUNDMENT**

- A. Any dog that is determined by a constable or animal control officer to be a vicious dog which presents an imminent danger to people or other animals shall be immediately impounded.
- B. Any dog that is apprehended for a 2<sup>nd</sup> violation of any violation of this ordinance shall be impounded.

## **SECTION 9. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT**

- A. The officer who impounds a dog shall, within 24 hours, give notice to the owner thereof, either personally or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.
- B. If an impounded dog has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. Sec. 3806.

C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees. If the dog has not been vaccinated against rabies or licensed in the Town of Roxbury, the dog shall be vaccinated and licensed prior to release to the owner. The owner shall incur all expenses for vaccination and licensing. The owner shall demonstrate a plan of compliance to prevent further violations of this ordinance and state law.

D. Impoundment costs shall be determined by the pound keeper

**SECTION 10. PENALTIES AND COSTS.** *An Enforcement Officer is authorized to recover civil penalties in the following amounts, or as established by the Judicial Bureau, for each violation of this ordinance.*

*For dogs found to be in non-compliance with Section 5a of the Town of Roxbury Dog Control Ordinance after Apr 1st, a Notice of Violation will be sent in accordance with 20 V.S.A. § 3590(b). After the registration compliance date specified in the Notice of Violation, should the animal still not be registered, the Selectboard will assess a fine of up to \$800 and have a Municipal Ticket issued. Should the owner pay any and all waiver amounts with the animal remaining unregistered the Selectboard will continue to assess fines and/or pursue other remedies.*

<i>First offense</i>	<i>\$200 full penalty / \$100 waiver penalty</i>
<i>Second offense</i>	<i>\$400 full penalty / \$200 waiver penalty</i>
<i>Subsequent offense</i>	<i>\$800 full penalty / \$400 waiver penalty</i>

*For all other offenses the following penalties and costs will be assessed:*

<i>First offense</i>	<i>Written warning</i>
<i>Second offense</i>	<i>Impoundment and impoundment cost, plus a \$25.00 penalty</i>
<i>Subsequent offense</i>	<i>Impoundment and impoundment cost, plus a \$50.00 penalty</i>

*(Selectboard Please Note: The second part for "all other offenses" has been left as is. Given the \$12.50 admin fee retained by the Judicial Bureau when enforcing tickets, a fine of \$25 or \$50 seems low given all the work needed for enforcement. Thoughts?)*

**SECTION 11. OTHER LAWS.** This ordinance is in addition to all other ordinances of the Town of Roxbury and all applicable laws of the State of Vermont.

**SECTION 12. 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 13. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Roxbury Selectboard. If a petition is filed under 24 V.S.A. Sec. 1973, that statute shall govern the taking effect of this ordinance.

Thomas L. Frazier, Chair  
Sally A. O'Neil  
Susan M. D'Amico

August 15, 2005

DRAFT