

Town of Ira
Special Select Board Meeting Minutes
Date: February 24, 2022

Present: Nathan Hewitt, Karen Davis, Bob Toppin

Meeting called to order at 5:02 pm

Review and approve agenda: Nathan made a motion to approve the agenda Bob 2nd passed unanimously.

Warrants for bills: Nathan made a motion to approve & sign the 2/24/2022 warrant for bills. Bob 2nd passed unanimously.

Recording: Nathan Hewitt

Business and Administrative

TOPIC	DISCUSSION	RESOLUTION
Select Board	Final review of Dog Ordinance and adopt	Reviewed the Dog Ordinance. This will replace the existing Ordinance for the Care and Control of Dogs adopted December 1, 1977. Nathan made a motion to adopt the ordinance. Bob 2 nd passed unanimously.
	Final review of Traffic Ordinance and adopt	Reviewed the Traffic Ordinance. This will replace existing Traffic Ordinance adopted July 23, 1987. Nathan made a motion to adopt the ordinance. Bob 2 nd passed unanimously. Karen will post the notices of each ordinance at the Town Office, outside the Town Office, Town Hall, West Rutland Post office and Ira Fire Station. The notice will be published in the Rutland Herald on Tuesday, March 1, 2022. The notices and full text of both ordinances will be available for examination at the town office during normal office hours or on the town's website.
Public Comments	none	none
New or Other Business	none	none.
Executive Session (legal, personnel, real estate)	none	none
Adjourn	5:15 pm	Nathan made a motion to adjourn at 5:15 pm. Bob 2 nd passed unanimously.
In my capacity as a member of the Ira Select Board, I certify that the above is a true and accurate copy of the approval minutes of the board meeting held on February 24, 2022		

TOWN OF IRA, VERMONT

NOTICE OF ADOPTION OF ORDINANCE

On February 24, 2022, the Select Board of the Town of Ira, Vermont, adopted the Ordinance Regulating Dogs and Wolf-Hybrids, replacing the existing Ordinance for the Care and Control of Dogs adopted December 1, 1977.

This notice is published pursuant to 24 V.S.A. § 1972 to inform the public of this Dog Ordinance and of the citizens' right to petition for a vote to disapprove this ordinance adoption.

SUMMARY OF ORDINANCE Statement of Purpose: The purpose of this ordinance is to regulate the keeping of dogs and wolf hybrids and to provide for their leashing, muzzling, restraint, impoundment and destruction, in order to protect the public health and safety of the Town, and preserve the quiet enjoyment of its residents' homes and properties. Principal Provisions The ordinance supersedes the 1977 ordinance. Table of Contents Section 1: Authority; Section 2: Purpose; Section 3: Definitions; Section 4: Nuisances; Section; 5: Collar and License; Section 6: Enforcement; Section 7: Penalties and Costs; Section 8 Impoundment; Section 9: Investigation of Vicious Dogs; Section 10: Other Laws; Section 11: Severability; Section 12: Effective Date

The full text of the Ordinance may be examined at the Ira Town Office at 53 West Road, Ira, Vermont and may be examined during regular office hours or on the town's website: townofira.com.

CITIZENS' RIGHT TO PETITION FOR VOTE Title 24 V.S.A. § 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting to disapprove the ordinance provisions adopted by the Select Board. To exercise this right, citizens must present to the Select Board or the Town Clerk a petition for a vote on the question of disapproving the ordinance signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the ordinance. Unless a petition requesting a vote is filed pursuant to 24 V.S.A. § 1973, the "Ordinance Regulating Dogs and Wolf-Hybrids" shall become effective sixty (60) days from the date of said adoption.

PERSON TO CONTACT Additional information pertaining to this Ordinance may be obtained by contacting Karen Davis, Ira Town Clerk at 53 West Road, Ira, Vermont, or by calling 802-235-2745 during regular office hours.

TOWN OF IRA

ORDINANCE REGULATING DOGS AND WOLF-HYBRIDS

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

SECTION 2. PURPOSE. The purpose of this ordinance is to regulate the keeping of dogs and wolf hybrids and to provide for their leashing, muzzling, restraint, impoundment and destruction, in order to protect the public health and safety of the Town, and preserve the quiet enjoyment of its residents' homes and properties.

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

- A. "Dog" means any member of the canine species. For purposes of this ordinance, this term shall also include "wolf-hybrids" and "working farm dogs" except as otherwise stated.
- B. "Domestic animal" means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo. The term shall include cultured fish propagated by commercial fish farms.
- C. "Domestic pet" or "pet" means any domestic dog, domestic cat, or ferret.
- D. "Enforcement Officer" means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard.
- E. "Impoundment" means being held by the Town at a place designated by the Selectboard. Such place may or may not be operated by the Town, and may or may not be within Town limits.
- F. "Owner" means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
- G. "Premises" means the home and real property of the dog owner.
- H. "Running at large" means that a dog:
 - 1. is not on a leash or clearly under the verbal or non-verbal control of its owner; and
 - 2. is not on the owner's premises or on the premises of another person with that person's permission or in a vehicle.
- I. "Wolf hybrid" means an animal that:
 - 1. is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*); or
 - 2. is advertised or otherwise described or represented to be a wolf hybrid; or
 - 3. exhibits primary physical and/or behavioral wolf characteristics.

- J. "Working farm dog" means a dog that:
1. is bred or trained to herd or protect livestock or poultry or to protect crops; and
 2. is used for those purposes; and
 3. is registered as a working farm dog pursuant to State law.

SECTION 4. NUISANCES.

- A. **Prohibitions.** An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

Nuisance One: Lack of current license and/or rabies tag

A dog without a collar or harness with the current license and/or valid rabies tag securely attached.

Nuisance Two: Running at large

A dog running at large in the Town.

- B. **Exemptions for Working Dogs.** The provisions of the sections pertaining to running at large and disturbing the peace shall not apply to working farm dogs if the working farm dog is:
1. barking in order to herd or protect livestock or poultry or to protect crops; or
 2. running at large in order to herd or protect livestock or poultry or to protect crops.

SECTION 5. COLLAR AND LICENSE. Each dog shall be licensed according to the laws of this State and shall wear a collar or harness with the current license attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog that is found without a collar or harness and license shall be in violation of this Ordinance and may be immediately impounded.

SECTION 6. ENFORCEMENT. A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Rutland County Superior Court, at the election of the selectboard.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and represent the Town at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND COSTS.

- A. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation:

Lack of current license and/or rabies tag

1st Offense: warning or impoundment and/or \$75.00 fine	Waiver Fee: \$50.00
2nd Offense: impoundment and/or \$100.00 fine	Waiver Fee: \$75.00
3rd & Subsequent Offense: impoundment/or and \$125.00 fine.	Waiver Fee: \$100.00

Running at large

1st Offense: warning or impoundment and/or \$75.00 fine	Waiver Fee: \$50.00
2nd Offense: impoundment and/or \$100.00 fine	Waiver Fee: \$75.00
3rd & Subsequent Offense: impoundment and/or \$125.00 fine	Waiver Fee: \$100.00

- B. The Enforcement Officer is authorized to recover a waiver fee in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

- E. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.

- F. A warning shall not be counted towards the calculation of the number of offenses under this Ordinance.

SECTION 8. IMPOUNDMENT.

- A. **Grounds for Impoundment.** Any dog may be immediately impounded if the dog:
 1. has been determined by an Enforcement Officer to be a "potentially vicious dog," which presents an imminent danger to people or other animals;
 2. has reportedly bitten a person off the premises of its owner;
 3. is in violation of State licensing law;
 4. has an unknown rabies vaccination history or is suspected of having been exposed to rabies;
 5. is running at large;
 6. is an unconfined dog in heat; or
 7. is found without a collar or harness and license.

- B. **Notice of Impoundment.** The officer who impounds a dog shall, within twenty-four (24) hours, give notice to the owner thereof either personally, by telephone call, or by regular mail postage prepaid at the owner's last known address. Such notice shall inform the owner of the nature of the violations, the dog's location, and the necessary steps to have it returned to the owner.

If the owner of the dog is unknown, the officer who impounds a dog shall, within twenty-four (24) hours of impoundment, post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) calendar day period. The public notice shall include a description of the dog, including any significant marks of identification, and when and where it was impounded or found by the person placing the dog in the town's custody. The public notice must also declare that, unless the owner 1) claims the dog, 2) pays all expenses incurred by the town for treatment, boarding and care of the dog, and any applicable penalties, and 3) takes all necessary remedial action within ten (10) calendar days following posting, the

town may place the dog in an adoptive home or transfer it to a humane society or rescue organization. If the dog cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

- C. **Release from Impoundment.** Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including, but not limited to, boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action, as determined by the enforcement officer in consideration of the violation committed, is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license; verification of certification of current vaccination against rabies; payment of all applicable fines or waiver fees; and proof of satisfactory successful completion of a program designed to improve the owner's understanding and execution of dog ownership responsibilities.

If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) calendar days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization; or, if the town is unable to transfer the dog, it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment, and any expenses associated with its transfer or humane disposal.

- D. **Rabies Suspect.** The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the Vermont Department of Health's rules.

SECTION 9. INVESTIGATION OF VICIOUS DOGS.

- A. **Complaint.** When a dog has bitten a person while the dog is off the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard of the municipality. The complaint shall contain the time, date, and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation.
- B. **Investigation and Hearing.** The Selectboard, within seven (7) calendar days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date, and place of hearing and a copy of the complaint.
- C. **Protective Order.** If, after a hearing on the matter, the dog is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of

persons as the facts and circumstances of the case may require, including, without limitation, that the dog is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested, to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

D. **Rabies suspect.** The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Selectboard or an Enforcement Officer determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the Vermont Department of Health's rules. If the dog is deemed healthy, the terms and conditions set forth in the Selectboard's order shall be enforced.

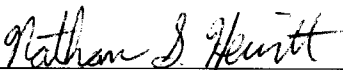
SECTION 10. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Ira and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

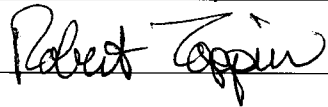
SECTION 11. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

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

Adopted this 24th day of February , 2022.

SIGNATURES:





TOWN OF IRA
ORDINANCE REGULATING DOGS AND WOLF-HYBRIDS

Adoption History

1. Agenda item at regular Selectboard meeting held on February 15, 2022.
2. Read and approved at regular/special Selectboard meeting on February 24, 2022 and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on February 25, 2022.
4. Notice of adoption published in the Rutland Herald newspaper on March 1, 2022 with a notice of the right to petition.
5. Other actions [petitions, etc.]

TOWN OF IRA, VERMONT

NOTICE OF ADOPTION OF ORDINANCE

On February 24, 2022, the Select Board of the Town of Ira, Vermont, adopted the Ordinance for Speed Limits and Traffic Control, replacing the existing Traffic Ordinance adopted July 23, 1987.

This notice is published pursuant to 24 V.S.A. § 1972 to inform the public of this Speed Limits and Traffic Control Ordinance and of the citizens' right to petition for a vote to disapprove this ordinance adoption.

SUMMARY OF ORDINANCE Statement of Purpose: The purpose of this ordinance is to promote and protect the public health, safety and welfare by establishing safe speed limits on certain paved and unpaved town highways in the Town of Ira and to provide for the safe and effective flow of pedestrian, bicycle and vehicular traffic. Principal Provisions The ordinance supersedes the 1987 ordinance. Table of Contents Section 1: Authority; Section 2: Purpose; Section 3: Definitions; Section 4: Traffic Control Devices; Section 5: Speed Limits; Section 6: Violations and Penalties; Section 7: Enforcement; Section 8: Enforcement Officials; Section 9: Repeal Of Prior Ordinances; Section 10: Separate Offenses; Section 11: Penalties; Section 12 Severability; Section 13: Effective Date.

The full text of the Ordinance may be examined at the Ira Town Office at 53 West Road, Ira, Vermont and may be examined during regular office hours or on the town's website: townofira.com.

CITIZENS' RIGHT TO PETITION FOR VOTE Title 24 V.S.A. § 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting to disapprove the ordinance provisions adopted by the Select Board. To exercise this right, citizens must present to the Select Board or the Town Clerk a petition for a vote on the question of disapproving the ordinance signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the ordinance. Unless a petition requesting a vote is filed pursuant to 24 V.S.A. § 1973, the "Ordinance for Speed Limits and Traffic Control" shall become effective sixty (60) days from the date of said adoption.

PERSON TO CONTACT Additional information pertaining to this Ordinance may be obtained by contacting Karen Davis, Ira Town Clerk at 53 West Road, Ira, Vermont, or by calling 802-235-2745 during regular office hours.

Town of Ira, Vermont
Ordinance for Speed Limits and Traffic Control

ARTICLE 1. AUTHORITY. This ordinance is adopted by the Select board for the Town of Ira under authority granted by 24 VSA §2291(4), 23 VSA §§ 1007, 1008, 2302(a)(4) and 2305, and 24 VSA Chapter 59.

ARTICLE 2. PURPOSE. The purpose of this ordinance is to promote and protect the public health, safety and welfare by establishing safe speed limits on certain paved and unpaved town highways in the Town of Ira and to provide for the safe and effective flow of pedestrian, bicycle and vehicular traffic.

ARTICLE 3. DEFINITIONS. All words and phrases used herein shall have the same meaning as provided in 23 VSA §4 or its substitute(s) from time to time existing, unless changed by the express terms of this ordinance.

ARTICLE 4. TRAFFIC CONTROL DEVICES. Stop signs shall be erected on the following town highways for the regulation of bicycle and vehicular traffic at the following intersections:

1. West Road (TH # 2) entering Route 133
2. Pyka Road (TH # 3) entering Route 133
3. Birdseye Road (TH # 5) entering Route 4A
4. Toppin Road (TH # 6) entering Route 133
5. Cross Road (TH #7) entering West Road (TH #2)
6. Cross Road (TH # 7) entering Route 133
7. Middletown Hill Road (TH # 8) entering West Road (TH # 2)
8. Weaver Hill Road (TH # 9) entering Route 133
9. Town Office Road (TH # 10) entering Route 133
10. Fish Hill Road (TH # 12) entering West Road (TH #2)
11. Kahle Road (TH # 13) entering Route 133

ARTICLE 5. SPEED LIMITS. Based on considerations of neighborhood character, abutting land use, bicycle and pedestrian use and physical characteristics of the highways, and where applicable, on traffic and/or engineering studies, the following speed limits are hereby established:

a) **State Highways.** The maximum speed limit permitted for any motor vehicle traffic on Route 4A and Route 133 within the Town of Ira shall be the same as those limits established and posted by the State of Vermont from time to time. This provision is intended to duplicate the speed limit established under 23 VSA §1003. On Route 4A, the posted speed limit is 50 mph (eastbound and westbound). On Route 133, the posted speed between the Clarendon/Ira town line and the sign located 3/10ths of a mile south of the West Road is 40 mph (northbound and southbound); south of such sign, the posted speed limit is 50 mph (northbound and southbound).

a) Town Highways.

The following Town Highways shall have a speed limit of twenty-five (25) miles per hour:

1. Cross Road (TH #4 & TH #7)

The following Town Highways shall have a speed limit of thirty-five (35) miles per hour.

1. West Road (TH # 2)
2. Pyka Road (TH #3)
3. Ira Birdseye Road (TH #5)
4. Toppin Road (TH #6)
5. Middletown Hill Road (TH #8)
6. Weaver Hill Road (TH #9)
7. Town Office Road (Th #10)
8. Fish Hill Road (TH #12)
9. Kahle Road (TH #13)

b) Posting. The above speed limits shall be posted in accordance with standards set forth in the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration, as the same may be amended from time to time.

ARTICLE 6. VIOLATIONS AND PENALTIES. It shall be a violation of this ordinance for any person to operate a motor vehicle in excess of the above posted speed limits. The penalty for a violation of this ordinance is assessed according to the Judicial Bureau Waiver Penalty Schedule in effect at the time of violation.

ARTICLE 7. ENFORCEMENT. This shall be a civil ordinance which shall be enforced in accordance with applicable provisions of 24 VSA Chapter 59 including @ \$ VSA §§1974a and 1977 or any substituted provision(s) therefor, or through any Vermont court, bureau or other tribunal having proper jurisdiction. The penalty for a violation of any maximum speed limit enforced under this ordinance shall be that set by the schedule of fines established by the State of Vermont.

ARTICLE 8. ENFORCEMENT OFFICIALS. This ordinance may be enforced by any Enforcement Officer in the State of Vermont.

ARTICLE 9. REPEAL OF PRIOR ORDINANCES. Any ordinance or traffic regulation previously adopted by the Town of Ira covering the same subject matter set forth herein is hereby repealed.

ARTICLE 10. SEPARATE OFFENSES. Each violation of a provision of this ordinance shall be deemed a separate offense.

ARTICLE 11. PENALTIES. The provisions of this ordinance shall be cumulative to the fullest extent permitted by law with respect to all other statutes or ordinances now or hereafter adopted regardless of their order of passage or enactment.

ARTICLE 12. SEVERABILITY. If any portion of this ordinance is held to be invalid by a court of confident jurisdiction, such finding shall not invalidate any other partof this ordinance.

ARTICLE 13. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Ira Selectboard. If a petition is filed pursuant to 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 24th day of February, 2022.

Nathan J. Hewitt
Robert Tappin

February 24, 2022
Date

Town of Ira, Vermont
Ordinance for Speed Limits and Traffic Control

Adoption History

1. Agenda item at regular selectboard meeting held on September 21, 2021.
2. Read and approved at regular selectboard meeting on February 24, 2022 and entered in the minutes of that meeting, which were approved on _____.
3. Posted in public places on February 25, 2022.
4. Notice of adoption published in the Rutland Herald newspaper on March 1, 2022 with a notice of right to petition.
5. Other actions