

## **Dog Ordinance**

### **An Ordinance for the Control of Dogs in**

#### **The Town of Hartland, Vermont**

##### **Section 1. Authority**

This article is adopted by the Selectboard of the Town of Hartland under the authority of 20 V.S.A. § 3549, 24 V.S.A. § 2291(10) and 2291 (4 and 15), and 24 V.S.A. Chapter 59.

##### **Section 2. Purpose**

It is the purpose of this article to regulate the keeping of dogs and wolf hybrids, to protect the public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

##### **Section 3. Definitions**

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

**DOG** - Any member of the canine species.

**OWNER** - Any person who has actual or constructive possession of a dog or wolf hybrid. The term also includes those persons who provide food and shelter to a dog or wolf hybrid.

**RUNNING AT LARGE** - That a dog or wolf hybrid is not:

- A. On a leash;
- B. In a vehicle;
- C. On the owner's property;
- D. On the property of another person with that person's permission;
- E. Under the verbal or nonverbal control of the owner; or
- F. Hunting with the owner.

**VICIOUS DOG/WOLF** - A dog or wolf hybrid 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.

**WOLF HYBRID** -

- A. An animal that is the progeny of a dog and a wolf (*Canis lupis* or *Canis rufus*);
- B. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
- C. An animal that exhibits primary physical and/or behavioral wolf characteristic.

#### **Section 4. Disturbances and nuisances**

- A. No dog or wolf hybrid shall run at large in the Town.
- B. No dog or wolf hybrid shall harass (e.g. growl, chase, etc.) or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog or wolf hybrid.
- C. A female dog or wolf hybrid in heat shall be confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. No person shall own, keep or harbor a dog or wolf hybrid that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

#### **Section 5. Waste disposal**

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

#### **Section 6. License required: attachment of license to collar: rabies vaccine required**

- A. Each dog or wolf hybrid shall be licensed according to the laws of the State of Vermont and shall wear a collar or harness with the current license attached. An animal that is visiting from out of state must wear a collar or harness with a current license from its home state attached.
- B. A dog or wolf hybrid that is found without a collar or a harness and license shall be immediately impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.
- C. A dog or wolf hybrid shall at all times be lawfully vaccinated against rabies in accordance with state law.

#### **Section 7. Humane care of dogs and wolf hybrids**

All dogs and wolf hybrids shall be furnished with clean and safe facilities, as defined by 13 V.S.A. 365, sufficient to protect the animal and the public health. Any dog or wolf hybrid determined by a police, animal control or humane officer to be without such clean and safe facilities may be impounded.

#### **Section 8. Enforcement**

This article is a civil ordinance and shall be enforced by a police, animal control or humane officer of the Town of Hartland in the Vermont Judicial Bureau in accordance with 24 V.S.A. § 1974a et seq.

## **Section 9. Impoundment**

A. Any dog or wolf hybrid that is determined by a police, animal control or humane officer of the Town of Hartland to be a vicious dog or wolf hybrid which presents an imminent danger to people or other animals shall be immediately impounded.

## **Section 10. Notice of and/or release from impoundment**

A. The officer who impounds a dog or wolf hybrid 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 violation(s), the location of the animal and the steps that are necessary to have the animal returned to the owner.

B. If an impounded dog or wolf hybrid has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. § 3806.

C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and after remedial action by the owner. Remedial action shall include but is not limited to such actions as providing a collar and current license and providing a plan for compliance with the provisions of this article and with state law.

## **Section 11. Violations and penalties; costs**

A. Persons in violation of this article (or any section thereof) shall be subject to the following penalties and costs:

(1) First offense:

- (a) Full penalty: \$50;
- (b) Waiver penalty \$35; and
- (c) Applicable impoundment and related costs, if any.

(2) Second offense:

- (a) Full penalty: \$100;
- (b) Waiver penalty \$75; and
- (c) Applicable impoundment and related costs, if any.

(3) Subsequent offenses:

- (a) Full penalty: \$200;
- (b) Waiver penalty \$150; and
- (c) Applicable impoundment and related costs, if any.

B. Other/additional: In addition to the above and upon recommendation of the police, animal control, or humane officer, the Judicial Bureau may also in appropriate circumstances order that the offending dog/wolf hybrid be muzzled, physically confined to the owner's property (i.e. fenced, chain, etc.), removed from the community or destroyed.

C. Waiver penalties may be applied when an alleged violator pays the fine without contesting the violation. Impoundment costs shall be set by the Selectboard.

**Section 12. Other laws**

This article is in addition to all other ordinances of the Town of Hartland and all applicable laws of the State of Vermont.

**Section 13. When effective**

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

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Gordon Richardson, Chair

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Mary O'Brien, Vice Chair

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Thomas White

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Richard Waddell

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Martha McGlinn

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Date

Copies of this ordinance can be found in the Town Clerk's office during regular hours. For information, please call (802) 436-2119, email [hartlandtm@hotmail.com](mailto:hartlandtm@hotmail.com), or write to Town Manager. PO Box 349, Hartland, VT 05048

Unless a petition is signed by 5% of the legal voters and is received by the Town Clerk on or before October 21, 2010, this ordinance revised ordinance will be effective on November 6, 2010.