

Lake Elmore Dog and Wolf Hybrid Ordinance

The Lake Elmore Board of Selectmen, at its regular meeting on the 9th day of February, 2011, upon motion duly made and seconded, unanimously adopted the following civil ordinance pertaining to the keeping of dogs, wolf hybrids, and domestic pets:

SECTION 1.AUTHORITY.

This ordinance is adopted by the Board of Selectmen of the Town of Lake Elmore pursuant to the authority granted by 20 V.S.A. §3549, 24 V.S.A. §2291, and 24 V.S.A. Chapter 59. The purpose of this ordinance is to regulate the keeping of dogs, wolf hybrids, and other domestic pets and their running at large to promote the health and safety of the public as well as the peace of the community.

SECTION 2.DEFINITIONS.

A. "Domestic pet" or "pet" means any domestic dog, domestic cat, ferret or wolf hybrid including the male, female, neutered gender of each such pet. The term shall also include such other animal that the constable, or animal control officer or humane officer finds has the potential to become an imminent danger to public health or welfare.

B. "Domestic dog" means any member of the canine species and includes a wolf hybrid animal.

C. "Owner" means any person, firm, association, or corporation or other institution or entity owning, keeping, or harboring a domestic pet, or who has actual or constructive possession of the domestic pet. The term also includes those persons who provide food or shelter to a domestic pet as defined herein.

D. "At large" means that the pet is not:

1. On a leash; or
2. In a vehicle; or
3. On the owner's property; or
4. On the property of another person with that person's permission; or
5. Clearly under the verbal or nonverbal control of the owner; or
6. Hunting with the owner.

E. "Wolf hybrid" means an animal which is the progeny or descendent of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*). "Wolf hybrid" also means any animal that is advertised, registered, licensed or otherwise described or represented as a wolf hybrid by its owner, or an animal which exhibits primary physical and/or behavioral wolf characteristics pursuant to the rules adopted by the Commissioner of the Department of Fish and Wildlife.

F. "Vicious dog" means a domestic dog or wolf 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 which, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. §3541.

G. "Direct control of the owner" shall mean on a leash, in a vehicle, or on the owner's property.

SECTION 3.HUMANE CARE.

All domestic pets shall be furnished with a clean and safe facility sufficient to protect the animal and the public health. Any domestic pet determined by the constable, a police officer, or an animal control officer to be without such clean and safe facilities may be impounded.

SECTION 4.DISTURBANCES AND NUISANCES.

- A. No domestic dog or wolf hybrid shall run at large in the Town.
- B. No domestic pet shall harass or attack other animals or people unless such animals or people are trespassing on private property of the owner of the domestic pet.
- C. No person shall keep or harbor a domestic pet which disrupts the quiet, comfort, and repose of others by frequent, habitual, or persistent barking or howling.

SECTION 5.DEFECATION.

The person in control of a domestic pet which defecates in any public area or on private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

SECTION 6.FAILURE TO LICENSE.

- A. Each domestic dog and/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. Any domestic dog or wolf hybrid which is visiting from out of state must wear a collar or harness with the current license from its home state attached.
- B. A domestic dog or wolf hybrid which is found without a collar or harness and license may be immediately impounded under the authority of 20 §3806 and shall be managed under the provisions of that statute. All unlicensed domestic dogs and wolf hybrids may be destroyed pursuant to 20 V.S.A. §3807.

SECTION 7.IMPOUNDMENT.

- A. Any domestic dog or wolf hybrid which is determined by a constable, police officer, or animal control officer or humane officer to be a vicious dog or wolf hybrid that presents an imminent danger to people or other animals may be immediately impounded.
- B. Any domestic pet which is determined by a constable, police officer, or animal control officer or humane officer to be in violation of Section 4, 5, or 6 hereunder may be impounded.
- C. Any domestic dog or wolf hybrid which is apprehended for a third or subsequent violation of any provision of this ordinance may be impounded.

SECTION 8. NOTICE OF IMPOUNDMENT

- A. Any officer who impounds a domestic pet shall, within twenty-four hours, give notice to the owner thereof, if known, either personally or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violation, the location of the animal, and the steps which are necessary to have the animal returned to the owner.
- B. If an impounded domestic 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. 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 ordinance and with state law.

SECTION 9. REDEMPTION OF IMPOUNDED DOMESTIC PETS; FEES.

A. The following penalties shall be paid by or on behalf of the owner for the impounding of any domestic pet in any consecutive six-month period:

First offence written warning

Second offence or impoundment \$50

Third or subsequent offence or impoundment \$100

B. In addition, if applicable, an impoundment fee of \$5.00 for board of each day or fraction thereof during which the dog is impounded or the actual cost of boarding of domestic pet, whichever is greater, shall be paid by or on behalf of the owner.

C. In addition a deposit of \$20.00 shall be paid in respect of any unlicensed dog that becomes impounded. Upon delivery of a current rabies certification to the Town Clerk or Animal Control Officer, the deposit shall be returned minus the registration fee.

D. The impounding officer may cite the owner for the third and any subsequent impoundment providing such impoundment occurred in any twelve-month period. The penalties set forth in Section 10 shall be applicable.

E. Penalties shall be paid to the Treasurer, Town of Lake Elmore.

SECTION 10. PENALTY FOR VIOLATION.

Notwithstanding the fees and penalties imposed in Section 9 of this ordinance, a civil penalty of not more than \$500.00 for each violation may be imposed and, in the event of a continuing violation, each week or portion thereof that the violation continues shall constitute a separate offence. Penalties shall be paid to the Treasurer, Town of Lake Elmore.

SECTION 11. INJUNCTIVE RELIEF.

Notwithstanding the penalties imposed in Section 10 of this ordinance, the town shall be empowered to seek and obtain injunctive relief for continued and persistent violations of Sections 3, 4, 5, and 6 hereof.

SECTION 12. VICIOUS DOGS.

In any domestic dog bites and person, domestic pet, or deer and that fact shall be proved to the satisfaction of the Board of Selectmen under procedures provided in 20 V.S.A. Chapter 193, the Board of Selectmen may order that the dog be muzzled, confined or disposed of in a humane way. If any vicious or rabies infected domestic dog running at large cannot be safely caught and impounded, the Board of Selectmen may order such dog to be slain by a police officer, constable or dog officer. When notified by a police officer, constable or dog officer that such dog has bitten any person, it shall be unlawful for the owner to sell or give away the dog or to permit it to be taken beyond the limits of the town except with permission of the Board of Selectmen or under the care of a licensed veterinarian. Any cost of quarantine must be the responsibility of the dog owner. Dogs who are trained to attack, known to be vicious, or against which a complaint of viciousness or attack has been made in writing, shall be licensed by the Town Clerk only upon conditions imposed by the Board of Selectmen.

SECTION 13. HEARING ON VIOLATIONS.

For any violation of this ordinance the Board of Selectmen may hold a hearing and upon finding of any violation may order the dog restrained, muzzled or destroyed in a humane way.

SECTION 14. REPEAL OF PRIOR ORDINANCE.

This ordinance, on its effective date, shall repeal the prior ordinance of the Town of Lake Elmore pertaining to the keeping of dogs and their running at large.

SECTION 15. SEVERABILITY.

In the event that any provision of this ordinance shall be found invalid by any court of competent jurisdiction, such invalidity shall not invalidate any other part of this ordinance.

SECTION 16. PROVISIONS ADDITIONAL TO STATE LAW.

This ordinance is to be in addition to all other ordinances of the Town of Lake Elmore and to those remedies provided municipalities in Title 20, Chapter 193 of the Vermont Statutes Annotated, as amended.

SECTION 17. EFFECTIVE DATE.

This ordinance shall become effective sixty (60) days after its adoption by the Town of Lake Elmore Board of Selectmen. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this ordinance.

SECTION 18. NOTICE.

This ordinance shall be entered into the minutes of the town records and shall be posted in at least 3 conspicuous places in town. A concise summary of it shall be published in a newspaper of general local circulation within fourteen days of its adoption accompanied by information as to where the full text of it may be examined, the right of voters to petition for a vote, and the name, address and telephone number of a person who is available to answer questions about it.

Ordinance adopted and approved by the Selectboard this 12th day of October, 2011.

Kurt Taggart 10/12/11
Animal Control Officer

Rebecca Smith 10/12/11
Sharon Furtner 10/12/11

Attest Sharon Draper Town Clerk