

VLCT MODEL ORDINANCE

**TOWN OF GRAND ISLE
DOGS [AND WOLF HYBRIDS]**

SECTION 1. AUTHORITY. This ordinance is adopted by the selectboard of the Town of Grand Isle 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 [and wolf hybrids], 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;
- B. **“Wolf hybrid”** means:
 - 1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*);
 - 2. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
 - 3. An animal that exhibits primary physical and/or behavioral wolf characteristics.]
- C. **“Vicious dog (or wolf hybrid)”** means 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.
- D. **“Owner”** means 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).
- E. **“Enforcing Officer”** means any person appointed by the Selectboard to police and enforce this Ordinance. An enforcing officer shall also mean the animal control officer, constable, and any law enforcement officer.
- F. **“Running at large”** means that a dog [or wolf hybrid] 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.

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 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.

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- 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.
- E. No dog (or wolf hybrid) shall be allowed to damage the property of one other than its owner, including, but not limited to, turning over garbage containers or damaging flowers or gardens.

SECTION 5. POOPER SCOOPER. 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. COLLAR AND LICENSE.

- A. Each dog [and/or wolf hybrid] shall be licensed according to the laws of this state 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 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.

SECTION 7. HUMANE CARE OF DOGS [AND WOLF HYBRIDS]. All dogs [and wolf hybrids] shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog [or wolf hybrid] determined by [the constable/police/animal control officer/humane officer] to be without such clean and safe facilities may be impounded.

SECTION 8. ENFORCEMENT. This is a civil ordinance and shall be enforced by [the constable/police/animal control officer/humane officer] in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq.

SECTION 9. ANIMAL CONTROL OFFICER DUTIES. The Selectboard shall annually appoint an Animal Control Officer whose duty it shall be to investigate complaints of animal nuisances and to enforce the provisions of this ordinance. The Selectboard shall designate the names of persons and their locations to receive animals for confinement under the terms of this ordinance.

SECTION 10. IMPOUNDMENT.

- A. Any dog [or wolf hybrid] that is determined by an enforcing officer to be a vicious dog [or wolf hybrid] which presents an imminent danger to people or other animals shall be immediately impounded.
- B. Any dog [or wolf hybrid] that is a public nuisance as herein defined shall be in violation of this ordinance and may be impounded.

SECTION 11. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.

- A. The enforcing officer who impounds a dog [or wolf hybrid] shall, within 24 hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the last known address of

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the owner. Such notice shall inform the owner of the nature of the violations, the location of the dog [or wolf hybrid] 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 impounding enforcement officer who impounds shall impound or confine under the provisions of 20 V.S.A. § 3806.
- C. Impounded dogs [or wolf hybrid] 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.
- D. Impounded dogs [or wolf hybrid] may only be released between the hours of 9am and 5 pm. Monday through Friday, or during the weekend upon payment of an additional \$20.00 fee.

SECTION 12. INVESTIGATION OF VICIOUS DOGS [or wolf hybrid]

- A. When a dog [or wolf hybrid] has bitten a person while the dog [or wolf hybrid] is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard. 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 required by subsection B of this section.
- B. The Selectboard, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog [or wolf hybrid] 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 the facts of the complaint.
- C. If the dog [or wolf hybrid] 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 [or wolf hybrid] is disposed of in a humane way, Muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. 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. The procedures provided in this section shall only apply if the dog [or wolf hybrid] is not a rabies Suspect. If a member of the Selectboard or an enforcing officer determines that the animal is a Rabies suspect, the provisions of 20 V.S.A. Chapter 193, Subchapter 5 and the rules of the Department of health shall apply.

SECTION 13. PENALTIES AND COSTS

- A. First offense \$25.00
- B. Second offense \$50.00
- C. Third offense \$75.00
- D. Fourth offense \$150.00
- E. Fifth and subsequent offenses \$200.00

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F. IMPOUNDMENT FEES. A dog [or wolf hybrid] impounded under the provisions of this ordinance shall be released only upon payment of a \$30.00 impoundment fee. A dog [or wolf hybrid] Impounded for a second time in any 12-month period shall be released only upon payment of a \$55.00 impoundment fee. A dog [or wolf hybrid] impounded three or more times in any 12-month period shall be released only upon payment of a \$105.00 impoundment fee. Impounded dogs [or wolf hybrid] may only be released during the weekend upon payment of an additional \$20.00 fee.

G. BOARDING FEES/VETERINARY COSTS. In addition to the penalties and costs charged herein, there shall also be a boarding charge during which the dog [or wolf hybrid] is impounded. An additional charge shall be due if parasite testing is required. The owner of an impounded dog [or wolf hybrid] shall also be responsible for paying for any necessary emergency veterinary treatment the dog [or wolf hybrid] received while impounded.

H. The Selectboard is hereby empowered to increase the penalties and costs provided for under the provisions of this ordinance by appropriate resolution. The Selectboard may make such increases, as it deems appropriate.

SECTION 14. OTHER LAWS. This ordinance is in addition to all other Ordinances of the Town Of Grand Isle and all applicable laws of the State of Vermont.

SECTION 15. 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 16. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Grand Isle Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Anna Marie Demars, Arthur Goodrich, Ron Bushway, Rod Cameron – Dated 8/16/2004
Signatures on file

Adoption History

1. Agenda item at regular selectboard meeting held on _____ 8/16/04 _____.
2. Read and approved at regular selectboard meeting on _____ 8/16/04 _____ and entered in the minutes of that meeting which were approved on _____ 8/16/04 _____.
3. Posted in public places on _____ 8/18/04 _____.
4. Notice of adoption published in the _Islander_____ newspaper on _____ 8/18/04 _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]