

TOWN OF WAITSFIELD
DOG ORDINANCE
Adopted April 1989
Revised May 2020

Section 1. Authority.

The Town of Waitsfield adopted this ordinance under the 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, prohibit running at-large, and to provide for the leashing, muzzling, restraint, impoundment, and destruction as necessary to protect public health and safety.

Section 3. Definitions.

For the purposes of this ordinance, the following definitions apply:

1. *Dog* – refers to any member of the canine species. For the purposes of this ordinance, the term shall also apply to wolf-hybrids and working farm dogs.
2. *Domestic Animal* – refers to the animals listed in 6 V.S.A. § 1151 (2), including, but not necessarily limited to, cattle, sheep, goats, pigs, and poultry.
3. *Domestic Pet* – refers to the animals listed in 20 V.S.A. § 3541 (3), including, but not necessarily limited to, dogs, cats, and such other domestic animals as determined by the Secretary of Agriculture, Food, and Markets by rule.
4. *Enforcement Officer* – refers to any constable, police officer, animal control officer, dog warden, humane officer, health officer, or any other person designated as an enforcement officer by the Selectboard.
5. *Owner* – refers to any person with actual or constructive possession of a dog, including persons who provide food and shelter to a dog.
6. *Potentially vicious dog* – refers to a dog running at-large that inflicts injuries on a person; chases, threatens to attack, or attacks another dog, domestic animal, or domestic pet; causes personal property damage; chase a person; or causes any person to reasonably fear attack or bodily injury. This definition shall not apply if a dog was protecting itself, its offspring, another domestic pet or animal, or person from attack. This definition shall not apply if a person attacked was found to have been engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking a dog.
7. *Rabbits* – refers to rabbits, regardless of whether or not they are kept as domestic animals or domestic pets, or in some other fashion.
8. *Running At-large* – refers to a dog that is:
 - a. Not on a leash, cord, chain, or other restraint.
 - b. Not in a vehicle.
 - c. Not on the owner’s premises.
 - d. Not on the premises, with permission, of another person.
 - e. Not clearly under the verbal or non-verbal control of the owner.
 - f. Not hunting with the owner.
9. *Selectboard* – refers to the legislative body of the Town of Waitsfield.
10. *Town* – refers to the Town of Waitsfield.
11. *Vicious dog* – refers to a dog found, following the process and procedures established in this ordinance and/or State statute, to have inflicted injury on a person, chased, threatened to attack, or

49 attacked another dog, domestic animal, or domestic pet; caused personal property damage; chased a
50 person; or caused any person to reasonably fear attack or bodily injury. This definition shall not
51 apply if a dog was protecting itself, its offspring, another domestic pet or animal, or person from
52 attack. This definition shall not apply if a person attacked was found to have teased, tormented,
53 battered, assaulted, injured, or otherwise provoked a dog.

54 12. *Wolf hybrid* – refers to any dog that is the progeny of a dog and a wolf, is advertised or described as
55 a wolf hybrid, or exhibits primary physical and/or behavioral wolf characteristics.

56 13. *Working farm dog* – refers to a dog bred or trained to herd or protect livestock or poultry or to
57 protect crops and is used for those purposes. The dog shall also be registered as a working farm dog
58 pursuant to State law.

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60 **Section 4. License Required.**

61 The owner of a dog that is more than six (6) months old shall cause it to be registered, numbered, described, and
62 licensed in accordance with the provisions of Title 20, Chapter 193 of the Vermont Statutes Annotated, as
63 amended.

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65 A person who keeps a dog contrary to the license provisions of this ordinance shall be in violation of this
66 ordinance. All unlicensed dogs found within the limits of the Town may be impounded.

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68 The Town may require a late licensure fee in accordance with the provisions of 20 V.S.A. § 3582.

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70 The owner of a dog(s) found in violation of this section may be charged a penalty in accordance with the
71 following table:

<u>Offense Number</u>	<u>Penalty</u>	<u>Waiver Fee</u>
1 st offense	\$25	\$10
2 nd offense	\$50	\$25
3 rd and subsequent offense	\$75	\$50

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74 **Section 5. Collar Required.**

75 The owner of a dog shall ensure that, whenever a dog shall be off the premises of the owner, a collar or harness
76 is fastened securely with the license tag issued by the Town attached. It shall be unlawful for any person other
77 than the owner or their agent or any officer to remove a license tag from a dog.

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79 A dog visiting from out of Town or state shall wear a collar or harness with a current license from its home
80 municipality or state attached.

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82 The owner of a dog(s) found in violation of this section may be charged a penalty in accordance with the
83 following table:

<u>Offense Number</u>	<u>Penalty</u>	<u>Waiver Fee</u>
1 st offense	\$25	\$10
2 nd offense	\$50	\$25
3 rd and subsequent offense	\$75	\$50

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86 **Section 6. Running at-large Prohibited.**

87 It shall be unlawful for any owner of a dog to permit it to run or be at-large within Town. Every owner,
88 custodian, or agent of an owner shall confine the dog to his or her premises when the dog is not on a leash or
89 under the immediate control of a competent and responsible attendant.

91 The owner of a dog(s) found in violation of this section may be charged a penalty in accordance with the
92 following table:

<u>Offense Number</u>	<u>Penalty</u>	<u>Waiver Fee</u>
1 st offense	\$25	\$10
2 nd offense	\$50	\$25
3 rd offense	\$200	\$100

94 Working farm dogs may be exempt from this provision if running at-large to herd or protect domestic animals
95 or crops.

97 Section 7. Impoundment.

100 1. *Authorization and Records.*

101 It shall be the duty of every police officer, constable, or dog officer to apprehend any dog found at-large
102 and to impound such dog. Upon impounding any dog, a record shall be made by the impounding officer
103 of the breed, color, and sex of such dog, where it was caught, and whether it was licensed. If licensed,
104 the officer shall enter the name and address of the owner and the number of the license tag in to the
105 record. The record of the impounding officer shall be filed with the Town Clerk.

107 2. *Property Owner May Impound.*

108 Any person finding any dog upon their property to any injury or annoyance may hold the dog in their
109 possession and shall, as soon as possible, notify a constable, police officer, or dog officer of this
110 custody, giving a description of the dog and the name of the owner, if known. The dog officer, police
111 officer, or constable, as soon as possible after receiving the notice, will appear at the premises and take
112 possession of the dog and impound it.

114 3. *Notice, Disposition of Impounded Dogs.*

115 Upon any dog being impounded, it shall be the duty of the dog officer to notify the owner of the dog, if
116 known, and if not known, to post at the Town Clerk's office a notice containing a description of the dog
117 and when and where it was caught. If no owner of any such dog shall claim the dog within seven (7) full
118 days after such notice, the pound keeper or any person duly authorized by the Selectboard to do so, may
119 put the dog up for adoption (either directly or through an agency or other service) or transfer it to a no-
120 kill shelter.

122 4. *Redemption of Impounded Dogs; Fees.*

123 The owner of any dog so impounded may reclaim such dog upon payment of all costs and charges
124 incurred by the Town for impounding and maintaining the dog, as well as payment to Town Clerk of the
125 license fee if the dog is unlicensed. This includes any shots or vaccinations administered to ensure the
126 dog may be licensed with the Town, if it is unlicensed at the time of impoundment. The dog shall be
127 released only at such time as applicable fees have been paid and following notice from the dog warden
128 or other designated enforcement officer.

The following fees shall be paid to the Town Clerk or pound keeper for impounding any dog in any consecutive six-month period:

- a. First offense - \$25
- b. Second offense - \$50
- c. Third or subsequent offense - \$100 per occurrence
- d. The Selectboard may amend this fee schedule as necessary or desired.

In addition, the greater of an additional charge of five dollars (\$5.00) for board for each day or fraction thereof during which the dog is impounded, or the actual cost of boarding the dog, shall be paid to the pound keeper.

Section 8. Potentially Vicious and Vicious Dogs.

If any dog bites or attacks any person without provocation while the dog is off the premises of the owner, or if any dog has been alleged to have been attacking other dogs, domestic pets, domestic animals, or deer, a written complaint may be filed with the Town. The complaint shall include, but not be limited to, the time, date, and location of the alleged incident; the name and address of the victim or victims; and any other facts that may assist the Selectboard in conducting its investigation.

The owner of a dog that is subject to a complaint shall confine the dog to their premises, keeping the dog inside at all times expect when necessary to let the dog outside. While outside, the dog shall be on a leash or other restraint, or within a fenced-in area, at all times.

Within seven (7) days of the receipt of the complaint, the Selectboard shall hold a hearing. The owner of a dog, if their name, address, and other contact information can be ascertained, shall be provided written notice of the time, date, and location of the hearing, along with a copy of the complaint. Delivery of the written notice to the owner may occur by mail or by electronic or digital delivery.

If a dog is found to have bitten or attacked without provocation, the Selectboard shall make such order for the protection of persons, dogs, domestic pets, domestic animals, or deer as the facts and circumstances of each case may require. The order may include, without limitation, requirements for dogs to be leashed, muzzled, confined, restrained, or disposed of in a humane way.

It shall be unlawful for the owner to sell or give away a dog, or to permit it to be taken beyond the limits of Town when notified by an enforcement officer or other Town official that the dog has been involved in a potentially vicious incident with any person, dogs, domestic pets, or domestic animals. In certain circumstances, and only following a formal grant of permission from the Selectboard, the owner may be authorized to take the dog beyond the limits of Town.

The owner of a dog(s) found in violation of this section may be charged a penalty by the Selectboard in accordance with the following table:

<u>Offense Number</u>	<u>Penalty</u>	<u>Waiver Fee</u>
1 st offense	\$100	\$50
2 nd offense	\$250	\$125
3 rd and subsequent offense	\$500	\$250

Section 9. Cruelty.

173 Any person who shall torture, torment, or cruelly neglect to provide with necessary sustenance or shelter, or
174 who shall cruelly beat, needlessly mutilate, or kill or cause or procure to be tortured, tormented, beaten,
175 needlessly mutilated, killed, or deprived of necessary sustenance or shelter any dog or other animal, may be
176 guilty of a misdemeanor, and charged as such.

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178 The owner of a dog(s) found in violation of this section may be charged a penalty in accordance with the
179 following table:

<u>Offense Number</u>	<u>Penalty</u>	<u>Waiver Fee</u>
1 st offense	\$50	\$25
2 nd offense	\$100	\$50
3 rd and subsequent offense	\$300	\$150

181 Section 10. Poisoning Dogs.

182 Any person who shall poison any dog or distribute poison in any manner whatsoever with the intent or for the
183 purpose of poisoning any dog may be guilty of a misdemeanor, and charged as such.

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186 The owner of a dog(s) found in violation of this section may be charged a penalty in accordance with the
187 following table:

<u>Offense Number</u>	<u>Penalty</u>	<u>Waiver Fee</u>
1 st offense	\$50	\$25
2 nd offense	\$100	\$50
3 rd and subsequent offense	\$300	\$150

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189 Section 11. Barking Prohibited.

190 It shall be unlawful for any owner of a dog to permit it to disturb the quiet of any person by unreasonable
191 barking or howling.

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194 The owner of a dog(s) found in violation of this section may be charged a penalty in accordance with the
195 following table:

<u>Offense Number</u>	<u>Penalty</u>	<u>Waiver Fee</u>
1 st offense	\$25	\$10
2 nd offense	\$50	\$25
3 rd and subsequent offense	\$200	\$100

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198 Working farm dogs shall be exempt from this provision only if barking in order to herd or protect domestic
199 animals or crops.

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201 Section 12. Hearing on Violations.

202 For any violation of this ordinance, the Selectboard may hold a hearing and upon a finding of any violation may
203 order the dog restrained, muzzled, placed in an adoptive home, transferred to a humane society or rescue
204 organization, or other action deemed appropriate and proportional.

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Section 13. Nuisances.

- (a) The owner of a dog shall not allow, permit, or suffer such dog to create a nuisance, such as those listed:
 - i. *Failure to remove dog waste* – a dog that defecates in any public area or on the private premises of another person and whose owner does not remove the waste and dispose of it in a sanitary manner.
 - ii. *Unconfined dog in heat* – a female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.
- (b) The owner of a dog(s) found in violation of this section may be charged a penalty in accordance with the following table:

<u>Offense Number</u>	<u>Penalty</u>	<u>Waiver Fee</u>
1 st offense	\$25	\$10
2 nd offense	\$50	\$25
3 rd and subsequent offense	\$200	\$100

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Section 14. Penalties and Costs.

- (a) An enforcement officer is authorized to recover civil penalties for violations of this ordinance in the amounts listed in each section.
- (b) An enforcement officer is authorized to recover a waiver fee, in the stated amount, in lieu of a civil penalty for any person declining to contest a municipal complaint.
- (c) Owners for whom it is the 1st or 2nd offense of any section of this ordinance may choose to take a course on responsible dog ownership. Upon proof of successful completion of the course or program, the waiver penalty may be returned, less any administrative fees paid to the State. The course of program shall be pre-approved by the enforcement officer issuing the penalty for violation of this ordinance.
- (d) For the purposes of determining the sequence of offenses, the second, third, and subsequent offenses shall be those that occur within the 12-month period beginning on the date of the first offense. Any offense occurring after the 12-month period shall be considered a first offense. Offenses shall be counted per dog.
- (e) Any owner whose dog has been impounded for its initial third offense shall provide the Selectboard with proof of satisfactory completion of a responsible dog owner training course pre-approved by the Selectboard within six months of the original date of impoundment. Failure to provide such certification may result in forfeiture of the dog.
- (f) A municipal ticket issued for a violation of this ordinance shall only be dismissed by an enforcement officer who issued the ticket.

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Section 15. Applicability of Ordinance.

A violation of any section of this ordinance may be the cause for impoundment by an enforcement officer, and the owner subject to a fine as established in the applicable section.

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Section 16. Signatures.

1 **APPENDIX A**

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3 Appendix A is written to clarify procedures related to the release of impounded dogs as
4 established in Section 7, subsection 4 of the Waitsfield Dog ordinance as amended May 18,
5 2020.

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7 The facility at which a dog is impounded may, at its discretion, release a dog from impoundment
8 under the following circumstances:

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- 10 1) If the dog warden or other designated enforcement officer is not available, and the Town
11 Offices are not open, the impounded dog may be released to its owner upon payment of
12 impoundment fees and with the recommendation that the dog owner contact the Town
13 Offices and license the dog as soon as possible (if licensure is an issue).
- 14 2) In a situation where employee safety and well-being at the facility are the overriding
15 concerns.

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17 The dog warden or other enforcement officer will be notified of release as soon as practicable.