

Town of North Hero
P.O. Box 38
North Hero, Vermont 05474

Dog Ordinance

Section 1 PURPOSE

It is the purpose of this ordinance to regulate the keeping of dogs (and wolf hybrids), to protect public health and safety, to protect the residents' quiet enjoyment of their homes and properties, and to protect the residents' right to enjoy the responsible ownership, companionship and service of their dogs and wolf hybrids.

Section 2 DEFINITIONS

For purpose of this ordinance, the following words and/or phrases shall apply:

- A. "DOG" means any member of the domesticated canine species.

- B. "Wolf hybrid" means:
 - 1. An animal that is the progeny or descendent of a dog (*Canis familiaris*) 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 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 . The term also includes those persons who provide food and shelter to a dog.

- 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 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 3 DISTURBANCES AND NUISANCES

- A. No person shall permit or cause any dog to go at large within the Town of North Hero. "At large" shall mean off the premises of the owner and not under control of the owner, a member of his immediate family, or an agent of the owner by leash, cord, chain or otherwise within the control of such person, at all times the dog may be prevented from causing any damage, disturbance or annoyance. Notwithstanding, any dog accompanied by its owner or keeper on the premises of another with permission and which is neither threatening to person, livestock, domestic, or wild animals (except during legal hunting seasons that allow the use of dogs) , nor causing damage, disturbance, nuisance or annoyance and is in obvious control of its owner or keeper shall not be considered at large.

- B. No dog shall harass or attack other domestic animals or people unless such animals or people are trespassing on the private property of the owner of the dog.

- C. A female dog 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 dogs that disturb the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling. Such disturbances shall be considered a public nuisance.

- E. Any dog who enters the property of other than its owner or roams the streets, idly, or causes property damage or creates a nuisance shall be deemed to be roaming at large and its owner shall be held to have permitted such dog to go at large.

SECTION 4 POOPER SCOOPER

The person in control of a dog 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 5 COLLAR AND LICENSE

- A. Each dog 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 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.
- C. Any dog roaming at large on public land or on land other than its owner's may be impounded by the Constable of the Town of North Hero, or any police officer, deputy sheriff or any person designated by the Town for the control of dogs.

SECTION 6 HUMANE CARE OF DOGS

All dogs shall be furnished with clean and safe facilities sufficient to protect the animal and the public health in accordance with VSA Title 20 Chapter 194 3901 and any specific rules adopted by the Vermont Agency of Agriculture, Food and Markets. Any dog determined by the Animal Control Officer to be without such clean and safe facilities may be impounded.

Section 7 ENFORCEMENT

This is a civil ordinance and shall be enforced by Animal Control Officer) in the Vermont Judicial Bureau in accordance with 24 V.S.A. §1974a et seq.

In the event that the Animal Control Officer is temporarily unavailable to investigate a complaint, the Sheriff's Department will respond to a call, take

information about the complain, and contact the Animal Control Office with the information

SECTION 8 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 9 IMPOUNDMENT

- A. Any dog that is determined by any enforcing officer to be a vicious dog which presents an imminent danger to people or other animals shall be immediately impounded.
- B. Any dog that is a public nuisance as herein defined shall be in violation of this ordinance and may be impounded.
- C. The procedure provided in this section shall only apply if the dog 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.
- D. Any dog so impounded shall be transported to a boarding Kennel wherein it shall be kept until released by authority of the impounding officer or agent. The owner of any dog so impounded shall be notified of the impoundment provided the dog is wearing a reasonable means of identification or license and may effect release of such dog after proof that such dog is licensed and payment of reasonable kennel fees which shall not exceed that normally charged other persons for boarding dogs. In addition, a fine of \$25.00 dollars shall be paid to the Town of North Hero for the first offense, a fine of \$50.00 dollars for the second offense, and a fine of \$75.00 for any subsequent offense. In the event the owner cannot be determined, a notice shall be

posted in the Town Clerk's Office giving a description of the dog and the date and place of impoundment.

- E The impounding officer may prosecute the owner as a habitual offender for the third and any subsequent offense providing such offense occurs in any twelve (12) month period. Conviction for such a habitual offense shall be punishable by a fine of \$200.00 dollars.

SECTION 10. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT

- A. The enforcing officer who impounds a dog shall, within 24 hours, give notice to the owner thereof, either personally, by telephone call, by written notice at the last known address of the owner. Such notice shall inform the owner of the nature of the violation, the location of the dog and the steps that are necessary to have the animal returned to the owner.
- B. If an impounded dog 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 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. Any person who interferes with the impounding of a dog under provisions of this ordinance or releases or who attempts to release an impounded dog contrary to the ordinance or who accepts or buys a dog with the intent of releasing it to the original owner contrary to Section 11 shall be punished by a fine not to exceed \$50.00 dollars.
- E. The Board of Selectmen may enter into a contract with a competent person or firm for enforcement of this ordinance.

Any such person or firm so designated shall be entitled to collect impounding fees and costs as negotiated and agreed to by the Selectmen in lieu of fines.

- F After all reasonable attempts have been made to contact the the owner, including but not limited to posted notices at the Town Office, phone call, e.mails, etc. any dog not claimed after 5 days may be euthanatized with the Town paying all attendant cost.

SECTION 11. BOARDING FEES/VETERINARY COSTS

- A. In addition to the penalties and costs charged herein, There shall also be a boarding charge during which the dog is impounded. An additional charge shall be due if parasite testing is required. The owner of an impounded dog shall also be responsible for paying for any necessary emergency veterinary treatment the dog received while impounded.
- B. 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 12. APPEALS

- A. Any owner or keeper of a dog found to be in violation of this Ordinance may appeal to the Selectboard any action, findings, impoundment charges, or boarding fees by filing written notification to the Town Clerk within seven (7) business days following the payment of any such charges, fees or fines.

The Selectboard shall convene a hearing on the appeal. The Selectboard, after notice and hearing, may determine to affirm or reverse any or all findings, actions, charges, fees or fines, and may direct the Town Treasurer to return any amounts paid as deemed appropriate.

SECTION 13. 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.

Town of North Hero Selectboard

Approved: at the 08/17/09 Selectboard Meeting.

Re-approved at the 09/21/09 Selectboard Meeting.

Note: Public Notice was in THE ISLANDER.. "New Dog Ordinance"
issue date: October 27, 2009

Amended and Approved: March 01, 2010 Selectboard Meeting

Marie Kilbride

Robert Rousseau

Andre Quintin

James V. Martin, Jr.

Eileen Mitchell