

# TOWN OF RANDOLPH CIVIL ORDINANCE

## DOGS

**SECTION 1. AUTHORITY.** This ordinance is adopted by the selectboard of the Town of Randolph 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 including “wolf hybrids” which are defined as:
  - 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;
  
- B. **“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.
  
- C. **“Running at large”** means a dog that 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.
  
- D. **“Nuisance dog”** means a dog whose behavior may include, running at large, disturbing the quiet and comfort of others by persistent barking, or defecating in any public area or private property not that of the owner or keeper.
  
- E. **“Aggressive Dog”** means a dog whose behavior may include, growling, chasing, snarling, or jumping that causes any person to reasonably fear attack or bodily injury from such animal, while off the premises property of the owner or keeper of the animal.
  
- F. **“Vicious dog”** means a dog that bites, nips, or attacks any person while off premises of the owner or keeper of the animal. The term shall also mean any dog that, while off premises, attacks another domestic pet or animal, as defined in 20 V.S.A. § 3541.
  
- G. **“Authorized officer”** means a constable, police officer, animal control officer or humane officer or agent.

### **SECTION 4. DISTURBANCES AND NUISANCES.**

- A. No dog shall run at large in the town.
- B. No dog shall harass or attack other animals or people, if off the premises of the owner or keeper.
- 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 that disturbs the quiet and comfort of others by frequent, habitual or persistent barking or howling.

#### **SECTION 5. ANIMAL WASTE DISPOSAL.**

The owner or 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 6. 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/or license may be immediately impounded.

#### **SECTION 7. HUMANE CARE OF DOGS.**

All dogs shall be furnished with clean and safe facilities and water sufficient to protect the animal and the public health. Any dog determined by the authorized officer to be without such clean and safe facilities and water may be impounded.

#### **SECTION 8. ENFORCEMENT.**

This is a civil ordinance and shall be enforced by an authorized officer in the Vermont Judicial Bureau in accordance with 24 V.S.A. § 1974a et seq.

#### **SECTION 9. VICIOUS DOGS.**

Vicious dogs may be controlled as outlined in 20 V.S.A. § 3545. Right to kill domestic pets or wolf-hybrids generally. And Title 20 V.S.A. § 3546. Investigation of vicious domestic pets or wolf hybrid.

#### **SECTION 10. IMPOUNDMENT AND/OR RESTRAINT.**

- A. Any dog that is determined by the authorized officer to be a nuisance, aggressive, or vicious dog which presents an imminent danger to people or other animals may be immediately impounded or the owner may be required to confine, muzzle or otherwise restrain such animal.

- B. After the third or subsequent violation of any provision of this ordinance the offending dog may be impounded.

#### **SECTION 11. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.**

- A. The officer who impounds a dog shall, within 24 hours, give notice to the owner, if known, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal 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 person who impounds it shall by the end of the next business day post a notice in the Town Clerk's office and place a notice or advertisement in a newspaper of general circulation. Said notices or advertisements shall describe the dog, where it was found, and state the deadline by which the dog must be claimed and any related fines or fees paid.
- C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and demonstrating that the dog has a current license. Remedial action may also be required of the owner, including, but not limited to, actions such as providing a collar and providing a plan for compliance with the provisions of this ordinance and with state law.
- D. Unless the owner or person entitled to possession of the dog claims the dog and complies with subsection C of this section within 7 days of notice provided pursuant to subsections A or B of this section, the impounding officer may transfer ownership rights to another person or dispose of the dog in a humane manner. When transferring ownership rights, the officer may charge a fee for the dog to recoup impoundment costs incurred after the required 7 day notice period has lapsed.
- E. Notwithstanding the above, if a dog is impounded because a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the department of health shall apply.

**SECTION 12. INVESTIGATION OF VICIOUS DOGS RELATING TO NON-PROVOKED ATTACKS ON HUMANS.**

- A. When a domestic pet or wolf-hybrid has bitten a person while the animal 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 legislative body of the municipality. 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 legislative body in conducting its investigation.
- B. The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet 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 domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet 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 domestic pet or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the department of health shall apply.

**SECTION 13. PENALTIES AND COSTS.**

Any violations of this ordinance are subject to the following penalties and costs:

- A. First offense                      Written warning
- B. Second offense                 \$50.00 full penalty (\$25.00 waiver penalty)
- C. Third offense                    \$75.00 full penalty (\$50.00 waiver penalty)
- D. Fourth offense                 Impoundment & impoundment costs, AND  
\$100.00 full penalty (\$75.00 waiver penalty)
- D. Subsequent offenses         Impoundment & impoundment costs, AND  
\$200.00 full penalty (\$175.00 waiver penalty)

*(the waiver penalty applies when an alleged violator pays the fine without contesting the violation).*

- E. Impoundment & impoundment costs may be applicable to first, second, or third offenses, as well.
- F. Impoundment costs shall be set annually by the Selectboard.

**SECTION 14. OTHER LAWS.** This ordinance is in addition to all other Ordinances of the Town of Randolph 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 Randolph Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Passed and adopted by the Selectboard of the Town of Randolph, Vermont this 19<sup>th</sup> day of November 2007.

- /s/James Hutchinson
- /s/ Lawrence Townsend
- /s/ Stephen Springer
- /s/ Kenneth Goss
- /s/ Damon Lease

**Adoption History**

1. Agenda item at regular selectboard meeting held on November 19, 2007.
2. Read and approved at regular selectboard meeting on November 19, 2007 and entered in the minutes of that meeting which were approved on November 19, 2007.
3. Posted in public places on November 22, 2007
4. Notice of adoption published in the *Herald of Randolph* newspaper on November 22, 2007 with a notice of the right to petition.
5. Other actions [petitions, etc.]