



TOWN OF RANDOLPH, VERMONT

Office of Town Manager

TOWN OF RANDOLPH CIVIL ORDINANCE DOGS

Pursuant to the provisions under the authority of 20 V.S.A. § 3549, 24 V.S.A. § 2291 (10) (14 & 15), and 24 V.S.A. Chapter 59, the Town of Randolph Selectboard adopted this Dog Civil Ordinance for the Town of Randolph, Vermont on Wednesday, February 15, 2017.

Purpose: The purpose of this ordinance is 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 property. The ordinance replaces all former dog ordinances passed by the Town of Randolph.

- SECTION 1. AUTHORITY**
- SECTION 2. PURPOSE**
- SECTION 3. DEFINITIONS**
- SECTION 4. DISTURBANCES AND NUISANCES**
- SECTION 5. LICENSE AND IMMUNIZATION**
- SECTION 6. HUMANE CARE OF DOGS**
- SECTION 7. AGGRESSIVE AND VICIOUS DOGS**
- SECTION 8. INVESTIGATION OF AGGRESSIVE AND VICIOUS DOGS
RELATING TO NON-PROVOKED ATTACKS**
- SECTION 9. IMPOUNDMENT AND/OR RESTRAINT**
- SECTION 10. ENFORCEMENT**
- SECTION 11. PENALTIES AND COSTS**
- SECTION 12. SEVERABILITY**

The full text of this ordinance may be examined at the Town Manager's Office at 7 Summer Street or online at www.randolphvt.org. If you have any questions, contact the Town Manager at 728-5433. This ordinance was adopted on Wednesday, February 15, 2017. Unless a petition signed by at least five percent of the voters of the Town of Randolph is filed in the Town Clerk by 4:30 p.m. on Saturday, April 1, 2017, asking for a vote to disapprove the ordinance, the ordinance will become effective on April 16, 2017. If a petition is received Town of Randolph's Selectboard will warn a special meeting and the voters may vote on the question.

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) (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” or “Potentially vicious dog”** means a dog running at large that inflicts minor injuries on a person not necessitating medical attention; chases, threatens to attack or attacks another domestic pet or animal as defined in 20 V.S.A. §3541; causes damage to personal property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog or wolf-hybrid. This definition shall not apply if the dog/wolf-hybrid was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dogs was engaged in teasing tormenting, battering, assaulting, injuring or otherwise provoking the dog.
- F. **“Authorized officer”** means a constable, police officer, animal control officer or humane officer or agent.
- G. **“Working farm dog”** means a dog that is bred or trained to head or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to State law.

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. This regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the Town's Zoning Regulations.
- E. The provisions of this section pertaining to running at large and disturbing the quiet and comfort of others shall not apply to working farm dogs if:
 - 1. the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops;
 - 2. the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.
- E. 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 5. LICENSE AND IMMUNIZATION.

- 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.
- C. All domestic pets and wolf-hybrid owners shall have their animals inoculated against rabies in accordance with 20 V.S.A §3581, 3581(a), and any rules adopted by the Commissioner of Agriculture.

SECTION 6. 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 7. AGGRESSIVE AND VICIOUS DOGS.

- A. The Selectboard may order that an aggressive or vicious dog or wolf-hybrid is muzzled, chained or confined to the premise of the owner as described in section 9A of this ordinance. Failure to abide by this ordinance or orders of the Selectboard may result in impoundment of the dog or wolf-hybrid.
- B. When a domestic pet or wolf-hybrid has bitten a person or other animal while the dog or wolf-hybrid is off the premises of the owner or keeper, an investigation and remedies as described in 20 V.S.A §3546 and Section 8 of this ordinance will be prescribed.
- C. In accordance with 29 V.S.A. §3545, a person may kill a domestic pet or wolf-hybrid that suddenly assaults him or her or when necessary to discontinue an attack upon the person or another person provided that the attack or assault does not occur while the domestic pet or wolf-hybrid is restrained, within an enclosure containing the domestic pet or wolf-hybrid, or on the premises of the owner.
- D. A domestic pet or wolf-hybrid found wounding, killing or worrying another domestic pet or wolf-hybrid, a domestic animal or fowl may be killed with the attendant circumstances are such that the killing is reasonably necessary to prevent injury to the animal or fowl which is the subject of the attack.

SECTION 8. INVESTIGATION OF AGGRESSIVE AND VICIOUS DOGS RELATING TO NON-PROVOKED ATTACKS.

- A. When a domestic pet or wolf-hybrid has bitten a person or other domestic animal while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person or domestic animal 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

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 (person or other domestic animal) 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 and this ordinance.
- D. Upon receipt of a "potentially vicious dog" complaint the Selectboard shall proceed as in A-C of this section for the case of a "vicious dog" complaint with the exception that if the Selectboard determines that the behavior classifies the dog as "potentially vicious" the Selectboard may order any protective measures be taken absent the dog being humanely destroyed.
- E. 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 9. IMPOUNDMENT AND/OR RESTRAINT.

A. Reason

- 1. Any dog that is determined by the authorized officer to be a nuisance, aggressive, or vicious dog or wolf-hybrid 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.
- 2. After the third or subsequent violation of any provision of this ordinance the offending dog may be impounded.

A. Procedure

- 1. 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.
- 2. 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 for a period of ten (10) days. 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 and that the Town may place the dog in an adoptive home, transfer it to a humane society or rescue organization. If the dog cannot be placed, it may be destroyed in a humane way.
- 3. 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.

4. Unless the owner or person entitled to possession of the dog claims the dog and complies with subsection 3 of this section within ten days of notice provided pursuant to subsections 1 or 2 of this section, the impounding officer may transfer ownership rights to another person or dispose of the dog in a humane manner. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, board and care of the dog for the duration of its impoundment and any expenses associated with its transfer or humane disposal.
5. 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 10. 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. and §1977.

SECTION 11. 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 Pound Keeper.

SECTION 12. 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.

Adopted by the Selectboard of the Town of Randolph, Vermont this 15th day of February 2017.

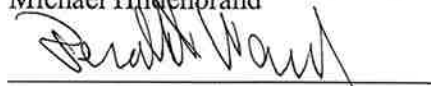


Trini Brassard

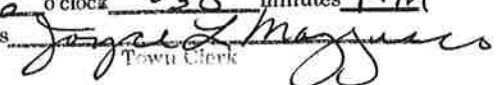


Michael Hildenbrand

Ross Evans



Jerald Ward

RANDOLPH TOWN CLERK'S OFFICE
Received for Filing
February 15 A.D. 2017
at 6 o'clock 30 minutes P.M.
Attests 
Town Clerk