

# TOWN OF WEATHERSFIELD, VERMONT

## Animal Control Ordinance

---

---

**AN ORDINANCE OF THE TOWN OF WEATHERSFIELD RELATING TO CONTROL OF DOMESTIC PETS AND WOLF-HYBRID BREEDS PROVIDING: AUTHORITY; DEFINITIONS; OWNER RESPONSIBILITIES; DUTIES OF ANIMAL CONTROL OFFICERS; CONDITIONS FOR IMPOUNDMENT AND RELEASE; INVESTIGATION OF VICIOUS DOMESTIC PETS OR WOLF-HYBRIDS; NOTIFICATION OF OFFICIALS; ENFORCEMENT; PENALTIES; REPEAL; SEPARABILITY; AMENDMENTS; AND THE EFFECTIVE DATE.**

### **Section 1. Authority**

Pursuant to 20 V.S.A. Chapters 191 and 193, and 24 V.S.A. Sections 2291 (10) and 1972 (a), the Selectboard of the Town of Weathersfield, Vermont, hereby adopts the following ordinance to regulate the control of domestic pets and wolf-hybrids within the Town of Weathersfield. This ordinance is designated as a civil ordinance pursuant to 24 V.S.A. Section 1971 (b).

### **Section 2. Definitions**

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. The word 'shall' is always mandatory and not merely directory.

- (a) 'Animal Control Officers' shall mean any police officer of the Town of Weathersfield or any person(s) duly appointed by the Selectboard for enforcement of this ordinance.
- (b) 'At Large' shall mean either: (1) to move at will without restraint, control or limitation to property lines; or (2), to move at will without physical or vocal control by owner or keeper.
- (c) 'Domestic Pet' shall mean any domestic dogs, domestic/barn/stray cats and domestic ferrets. Wolf-hybrids are not considered to be domestic pets but are licensed and regulated as domestic pets.
- (d) 'Owner' or 'Keeper' shall mean any person who owns a domestic pet or wolf-hybrid and includes any person who has actual or constructive possession of the pet or wolf-hybrid. The term also includes those persons who provide feed or shelter to a domestic pet or wolf-hybrid
- (e) 'Physical or Vocal Control' shall mean when the dog or wolf-hybrid is not on the owner's or keeper's property that such animal is on a leash or harness, is on or in a vehicle or travel cage, is under the supervised verbal command of the owner or keeper, or is engaged in hunting with owner or keeper.

# TOWN OF WEATHERSFIELD, VERMONT

## Animal Control Ordinance

---

---

- (f) 'Pound' shall mean the place designated by the Selectboard of the Town of Weathersfield to keep domestic pets found by an enforcement officer or citizen to be in violation of any provision of this or referenced State ordinances/statutes.
- (g) 'Under Restraint' shall mean: (1) on a leash not longer than eight (8) feet, or; (2) within a vehicle or travel cage, or; (3) on the property of its owner or keeper, or; (4) hunting with its owner or keeper.
- (h) 'Vaccination Against Rabies' shall mean a vaccine approved by the Vermont Commissioner of the Department of Agriculture, Food and Markets and administered by a licensed veterinarian. Until the Commissioner approves a rabies vaccine for use on wolf-hybrids, these animals shall be vaccinated with a vaccine approved by the Commissioner for domestic dogs.
- (i) 'Vicious Domestic Animal or Wolf-Hybrid' shall mean an animal which causes reasonable fear of bodily injury by attacking or threatening to attack any person or domestic animal, except in such case as a person or animal may be in the act of unlawfully trespassing upon the property of the owner or keeper of the subject animal.
- (j) 'Wolf-Hybrid' shall mean any animal which is the progeny or descendant of the mating of a domestic dog and a wolf. Wolf-hybrid also means an animal which is advertised, registered, licensed, or otherwise described or represented as a wolf-hybrid by its owner.

### **Section 3. Responsibilities of the Owner**

- (1) **Licensing**

It shall be the duty of every person owning, keeping or harboring any dog or wolf-hybrid more than six months of age within the Town of Weathersfield to annually on or before April 1, cause it to be registered with the Town Clerk in accordance with Title 20, Sections 3581-3592 of the Vermont Statutes Annotated, as amended. The owner or keeper shall affix a license tag, provided by the Town to a collar which the owner or keeper will cause the dog or wolf-hybrid to wear.
- (2) **Vaccination**

Domestic pets must be inoculated with a vaccine approved by the Commissioner of Agriculture, Food and Markets. Vaccines or boosters must be used for dogs and cats. Two one-year vaccines are available for ferrets. Wolf-hybrids must be inoculated with rabies vaccines approved for dogs in the same manner as labeled for dogs.
- (3) **Under Restraint**

It is the responsibility of the owner to keep any dog or wolf-hybrid leashed or under restraint regardless of age when on any public property or private lands other than that of the owner.

# TOWN OF WEATHERSFIELD, VERMONT

## Animal Control Ordinance

---

---

- (4) **Dogs or Wolf-Hybrids at Large**  
No owner or keeper shall permit a dog or wolf-hybrid to run at large in a street, road, park or common, nor shall the owner or keeper allow his/her dog or wolf-hybrid to run at large on other people's property, namely lawns, gardens, yards, school grounds, parking areas, or other land used or occupied by other person(s), without the permission of the owner of the land.
- (5) **Disturbance of Peace and Quietude**  
It shall be unlawful for any owner to permit or allow his/her dog or wolf-hybrid to habitually howl, bark or in any way disturb the peace and quietude of the community.
- (6) **Nuisance Dog or Wolf-hybrid**  
It shall be unlawful for any owner to keep a nuisance dog or wolf-hybrid as herein defined. Dogs and or wolf-hybrids running at large or nuisance dogs or wolf-hybrids may be taken by the Animal Control Officer(s) and impounded in a humane manner. For the purposes of this section, nuisance dog and/or wolf-hybrid means any dog or wolf-hybrid which does any of the following: (1) molests and/or attacks passers-by or passing vehicles; (2) attacks other animals; (3) trespasses on school grounds; (4) is repeatedly at large; (5) damages private or public property; or (6) is unlicensed.
- (7) **Vicious Dog or Wolf-Hybrid**  
The owner shall confine within a building or secure enclosure every fierce, dangerous, or vicious dog and/or wolf-hybrid, and not take such animal out of such building or enclosure unless such dog is securely muzzled and leashed.
- (8) **Un-spayed Females in Heat**  
The owner shall confine within a building or secure enclosure every un-spayed female dog or wolf-hybrid in heat in such manner that such animal cannot come in contact with another dog and/or wolf-hybrid except for intentional breeding.
- (9) **Boarding Costs and Penalties**  
It is the owner's responsibility to pay all veterinary fees and penalties for violating this ordinance. Such veterinary fees shall include, but shall not be limited to, shots, vaccines, boarding, and public advertising fees.

### **Section 4. Duties of the Animal Control Officer**

- (1) It is the responsibility of the Animal Control Officer(s) to attempt to capture any dog or wolf-hybrid running at large, to attempt to contact the owner, or transport such animal to the pound.

# TOWN OF WEATHERSFIELD, VERMONT

## Animal Control Ordinance

---

---

- (2) Immediately after capture, the Animal Control Officer(s) shall check the animal for proper identification. The capture should be recorded on the dog identification form. The time, place, description of the dog, and a brief explanation of the circumstances should be logged at the time of capture.
- (3) After transport to the pound, the Animal Control Officer(s) shall make every reasonable attempt to identify such dog or wolf-hybrid impounded and notify the owner of the procedures for retrieving such animal. The owner shall be responsible for all costs relating to the impounding of such animal.
- (4) It is the primary responsibility of the Animal Control Officer(s) to attempt to transport to the pound any dog or wolf-hybrid which is running at large and to make a reasonable attempt to identify the owner. The Animal Control Officer(s) or other authorized issuing officers are authorized to issue a citation and fine in accordance with Section 9, Penalties. The Animal Control Officer(s) shall notify the Police Chief of all violations of this ordinance.

### **Section 5. Impoundment and Conditions of Release**

- (1) If the owner or keeper does not claim the dog or wolf-hybrid within ten (10) days following impoundment, such animal may become the property of the pound. The impounded animal may be given to whoever pays the penalties, rabies shots, and necessary licensing fees, or it may be humanely euthanized.
- (2) The pound should keep a record of every dog or wolf-hybrid disposed of by sale or otherwise. Such records should include: (a) a description which identifies the animal with reasonable certainty; (b) the manner of disposing of the animal; and, (c) if the dog was transferred to another person, the name and address of the transferee. In addition, the transferee should sign a statement giving his name, address, and date of delivery or receipt of dog.
- (3) No dog or wolf-hybrid should be released from the pound until it is properly licensed and all pound charges, and penalty fees, are paid. The pound should require a receipt from the Town Clerk for the license (if applicable) and from the Town Manager's Office for penalties.

### **Section 6. Investigation of Vicious Domestic Pets or Wolf-Hybrids**

- (a) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet 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.

# TOWN OF WEATHERSFIELD, VERMONT

## Animal Control Ordinance

---

---

- (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 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 be 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 required, including, without limitation, that the domestic pet or wolf-hybrid be 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 Vermont Statutes Annotated, Title 20, Section 3551.
- (d) The procedure provided in this section shall only apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a municipal official designated by the Selectboard determined that the animal is a rabies suspect, the provision of Vermont Statues Annotated, Title 20, Chapter 193, subchapter 5 and the rules of the Department of Health shall apply.

### **Section 7. Notification of Officials**

To enforce this ordinance, any person finding any domestic pet or wolf-hybrid upon his property, to his injury or annoyance, should immediately contact the Animal Control Officer(s) and thereafter file a written report with the Animal Control Officer(s). Complaint forms may be obtained at the Town Office.

### **Section 8. Enforcement**

- (1) The Law Enforcement Officers and Animal Control Officers of the Town shall be the chief enforcement officers of this ordinance. The Police Chief and Constable are authorized to be the issuing municipal officials.
- (2) All enforcement officers may use any reasonable means necessary to apprehend a domestic pet or wolf-hybrid, found to be in violation of this ordinance, for impoundment at a pound designated by the municipality.
- (3) Nothing in this ordinance shall be construed as preventing any person from killing a rabid animal which attacks a person, domestic pet, or wolf-hybrid, and a person so killing such rabid or suspected rabid animal shall not be held liable for damages for such killing as specified in 20 V.S.A. Section 3809.

# TOWN OF WEATHERSFIELD, VERMONT

## Animal Control Ordinance

---

---

### **Section 9. Penalties**

- (1) Any person found to have violated any section of this ordinance in a case which involves a licensed animal, or unlicensed animal if not required to be licensed, shall be assessed a civil penalty of:

\$25.00 for the first offense,  
\$50.00 for the second offense,  
\$100.00 for the third offense, and;  
\$100.00 for every offense thereafter.

The above fines are in addition to the expenses of impounding, if any, and all other lawful charges. Waiver fines shall be one half the specified fine in lieu of court appearance.

- (2) Any person found to have violated any section of this ordinance in a case which involves an unlicensed animal required to be licensed shall be assessed a civil penalty of:

\$50.00 for the first offense,  
\$75.00 for the second offense,  
\$150.00 for the third offense, and;  
\$150.00 for every offense thereafter.

The above fines are in addition to the expenses of impounding, if any, and other lawful charges. Waiver fines shall be one half the specified fine in lieu of court appearance.

- (3) All fines shall be paid prior to release of the animal from the pound, should impoundment be necessary.

### **Section 10. Repeal**

Any other ordinance or regulation relating to the control of dogs is hereby repealed.

### **Section 11. Separability**

The provisions of this ordinance are hereby declared to be separable, and if any there be adjudged invalid, the invalidity of any part shall not affect the remainder thereof.

### **Section 12. Amendments**

This ordinance may be amended by a majority vote of the Selectboard at any duly constituted meeting in accordance with V.S.A. 24 Section 1972.

# TOWN OF WEATHERSFIELD, VERMONT

## Animal Control Ordinance

---

---

### **Section 13. Publication and Posting**

This ordinance shall be posted in five conspicuous places in Town, published in the local newspaper, and shall be filed with the Weathersfield Town Clerk on September 7, 1995.

Adopted by the Selectboard, Town of Weathersfield, at its meeting held on September 5, 1995.

This ordinance shall become effective the sixth day of November, 1995.