

TOWN OF PAWLET DOG ORDINANCE

Pursuant to the provisions of Title 24, Chapter 59, Title 24, Section 2291(10), (14), and (15); Section 3549 of Title 20 Vermont Statutes Annotated, the Select Board of the Town of Pawlet hereby adopt this ordinance regulating dogs in the Town of Pawlet.

ARTICLE I

Purpose

- 1.1 The purpose of this ordinance is to regulate the keeping of dogs and wolf hybrids and their running at large and by defining what constitutes a public nuisance to promote the health, safety, and welfare of the citizen of the Town of Pawlet.

ARTICLE II

Definitions

- 2.1 **DOG:** Shall include male and female canine species and shall include animals kept as pets, for breeding, or otherwise that are part canine or part other species, including wolf hybrids. However, the inclusion within the definition of breeds that are only partly canine is not intended to and does not vary or lessen any restrictions that are now imposed or may be imposed in the future on such mixed breeds by state statute.
- 2.3 **WOLF-HYBRID:** Shall mean an animal which is the progeny or descendent 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, or an animal which exhibits primary physical and or behavior wolf characteristics pursuant to rules adopted by the Commissioner of the Dept. of Fish and Wildlife.
- 2.4 **OWNER:** Shall mean any person, firm, association, organization, or corporation or entity possessing or having the care and custody of or harboring a dog or wolf hybrid. In the event ownership is not claimed by any person or entity, the owner shall be the person or entity in actual possession of the premises on or in which the dog or wolf hybrid is kept within the town.
- 2.5 **RUNNING AT LARGE:** Shall mean a dog or wolf hybrid that is not in the presence or under the control of the owner, a member of the owner's immediate family or an authorized agent of the owner. Under control of the owner is defined as follows:
- (1) A dog or wolf hybrid on a public road within the **Dog Control Area** is considered under control of the owner if it is on a leash and obedient to that person's commands and is not posing a danger to the public or causing a public nuisance.

(2) A dog or wolf hybrid on a public road outside of the **Dog Control Area** is considered under control of the owner if it is either (A) on a leash or (B) in the presence of a person and obedient to that person's commands and is not posing a danger or causing a public nuisance.

2.6 DOG CONTROL AREA: Shall mean the following areas where a dog or wolf hybrid must at all time be restrained by use of a leash.

- (1) The Village Limits of West Pawlet
- (2) The Village Limits of Pawlet
- (3) Mettowee Community School

2.7 POUND: Shall mean any kennel, pound or other facility for holding or housing dogs or wolf hybrids which is designated by the Select Board. Such a facility is not required to be operated by the Town or within the Town limits.

2.8 ENFORCEMENT OFFICIAL: Shall mean any Animal Control Officer, Constable, Police Officer, Sheriff, or Deputy Sheriff, State Police Officer, Game Warden or any person appointed Enforcement Official by the Select Board to enforce the provisions of this ordinance. A person appointed as an Enforcement Official by the Select Board may be a private contractor or resident of another town.

2.9 PUBLIC NUISANCE: Shall mean a dog/wolf-hybrid who continues to howl, bark, whine, or otherwise act so as to continually disturb the peace of one or more persons living in the Town of Pawlet.

3.0 VICIOUS DOG: Shall mean any dog or wolf hybrid which, without provocation, causes bodily harm or immediate fear of bodily harm by attacking or threatening to attack a person or domestic animal.

ARTICLE III DOG LICENSE REQUIRED

3.1 License Required - All dog and wolf hybrid owners shall be required to annually register and license each dog or wolf hybrid in the manner prescribed by the Town and pursuant to applicable State statute (April 1 of any given year).

3.2 Rabies Vaccination Required – In addition to any other licensing requirements required by State statute all owners shall be required to demonstrate proof of current rabies vaccination as a prerequisite to obtaining a license.

- 3.3 **License and Rabies Tags to be worn** – All owners shall be required to attach to a collar or harness on any dog or wolf hybrid when it is off the premises of the owner a current license tag issued by the Town and a current rabies vaccination tag.

ARTICLE IV RUNNING AT LARGE

- 4.1 It shall be unlawful for any owner of a dog or wolf hybrid to permit such dog or wolf hybrid to be running at large as defined in Article II of this ordinance.

ARTICLE V PUBLIC NUISANCE

- 5.1 It shall be unlawful for any owner of a dog or wolf hybrid to permit such dog or wolf hybrid to become a public nuisance as hereby described in Article II of this ordinance.

ARTICLE VI VICIOUS DOGS/WOLF HYBRIDS

- 6.1 **Complaint** – Any animal control officer, law enforcement officer, legal resident or property owner of the Town, upon knowledge that a dog or wolf hybrid is vicious, may file a written complaint with the Select Board. The complaint shall contain the name and address of the complaining resident, the time, date and place where any attack(s) occurred, and the name and address of any victim(s) or the complete facts upon which the complaint is based, any other facts that may assist the Select Board, and all information known to them about the owner of the vicious dog or wolf hybrid and the owner's location and address.
- 6.2 **Hearing** – The Select Board, within fourteen (14) days from receipt of such complaint, shall hold a hearing on the matter. If the owner of the dog or wolf hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with written notice by United States mail, first class, postage prepaid of the date and place of the hearing and be provided with a copy of the complaint or with actual oral notice at least 24 hours before hearing. The Select Board may investigate the complaint itself or through an agent.
- 6.3 **Order** – If the dog or wolf hybrid is determined to be a vicious dog or wolf hybrid as defined in this ordinance, then the Select Board may make such order for the protection of persons as the facts and circumstances of the case may require, including without limitation, that the dog or wolf hybrid be disposed of in a humane manner, muzzled, chained, confined or relocated. The order shall be sent certified mail, return receipt requested, to the owner of the dog or wolf hybrid at the owner's last known address.

ARTICLE VII EXEMPTIONS

- 7.1 Nothing in this ordinance shall be construed to require the restraint of any domestic pet or animal while on private property by permission of the property owner, while in a vehicle or to restrict the use of dogs for lawful hunting or tracking.)

ARTICLE VIII ENFORCEMENT

- 8.1 **Impounding-** It shall be the duty of any enforcement official to apprehend and impound any dog or wolf hybrid found to be in violation of Article III, IV, or V, or for violating the terms and conditions of an order issued under Article VI, paragraph 6.3.
- 8.2 **Enforcement on Private Property-** The enforcement official may use all reasonable and lawful methods for catching and impounding a dog or wolf hybrid found to be in violation of this ordinance.
- 8.3 **Notice to Owner and Redemption –** Not later than two (2) days after the impounding of any dog or wolf hybrid pursuant to this article, written notice shall be mailed United States mail, first class, postage prepaid, or if the owner of the dog or wolf hybrid is unknown, written notice shall be posted for at least three (3) days at four or more conspicuous places in the Town describing the dog or wolf hybrid and the place and time of taking. The owner of the dog or wolf hybrid so impounded, may reclaim such dog or wolf hybrid upon payment of impoundment fees, penalties, the license fee, and other expenses incurred, if unpaid.
- 8.4 **Disposition of abandoned dogs or wolf hybrids –**If no owner of any such dog or wolf hybrid shall claim the dog or wolf hybrid within five (5) days after written notice to owner if known or after posted notice is placed, the dog or wolf hybrid shall be deemed abandoned. The keeper of the pound or any person duly authorized by the Select board to do so, may deliver the abandoned animal to the humane society or society for the prevention of cruelty to animals, sell or give away the abandoned animal. If the keeper of the pound or other person authorized by the Selectboard is unable to sell or give away the abandoned animal it may be humanely euthanized by any veterinarian licensed to practice in Vermont.

ARTICLE IX IMPOUNDMENT FEES

- 9.1 **Impoundment Fees –** Any dog or wolf hybrid impounded under the provisions of this ordinance shall be released only on payment of a \$10.00/per day impoundment fee.

- 9.2 Conditional Release Fee** – A dog or wolf hybrid without a current license and rabies tags may be released upon payment of a \$25.00 Conditional Release Fee for a five (5) day period to obtain the rabies vaccination. This Conditional Release Fee shall be in addition to all other fees. The owner shall provide the Town with proof of current rabies vaccination. If at the end of the five (5) day period the proof of current rabies vaccination has not been provided, the dog or wolf hybrid shall be impounded, all fees forfeited and a municipal complaint ticket issued to the owner as described under section 10.3 of Article X in this ordinance.

ARTICLE X PENALTIES

- 10.1** A **first violation** of this ordinance will result in a verbal warning in addition to a written notice sent to the owner of the dog or wolf hybrid. Each day that the violation continues shall constitute a separate violation of this ordinance.
- 10.2** A **second violation** of this ordinance will result in the impounding of the dog or wolf hybrid, and upon reclaiming the dog or wolf hybrid, the owner will be responsible for paying a penalty of \$35.00 in addition to the impoundment fees, conditional release fees and any other fees associated with the impounding of the dog or wolf hybrid.
- 10.3** A **third violation** of this ordinance will result in the Enforcement Official issuing the owner a Municipal Complaint Ticket. Such ticket shall impose upon the owner a civil penalty of \$250.00 for each day of the violation. The Municipal Complaint Tickets are enforced using the Vermont Traffic and Municipal Ordinance Bureau. An owner receiving the ticket is entitled to contest the ticket and have a hearing before the Traffic and Municipal Ordinance Bureau; or the individual may choose not to contest the ticket by paying a “waiver fine” of \$150.00 to the Bureau.
- 10.4** **Payment of fees and penalties** – Fees and penalties can be paid to the Town Treasurer, if open or the Enforcement Officer. Receipt of payment will be issued to the owner upon payment of fees and penalties.

ARTICLE XI SEVERABILITY/LIABILITY/ AMENDMENTS

- 11.1** Any part or provision of this ordinance shall be considered severable, and should any part or provision be held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- 11.2** This Ordinance may be amended at any time by the Pawlet Select board pursuant to applicable provisions of the law.

**ARTICLE XII
ORDINANCE IN FORCE**

12.1 This Ordinance shall be in full force and effective sixty (60) days from the date of its adoption unless a petition is filed in accordance with Title 24, Section 1973, Vermont Statutes Annotated in which case the effective date shall be governed by the Title 24, Section 1973(e), Vermont Statutes Annotated.

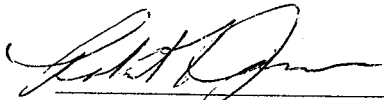
The within and foregoing Ordinance was adopted, pursuant to law by the Town of Pawlet Select Board on November 14, 2000.

TOWN OF PAWLET SELECT BOARD


Bruce Hulett



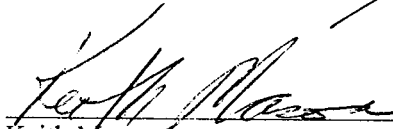
Rebecca Cramer



Robert Jones



Clarence Decker



Keith Mason