

TOWN OF CABOT, VERMONT
ORDINANCE FOR THE CONTROL OF DOGS & WOLF-HYBRIDS

SECTION 1: AUTHORITY

This ordinance is adopted by the Selectboard of the Town of Cabot under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (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] and to provide for their leashing, muzzling, restraint, impoundment, destruction, and their running at large, so as to protect the public health, safety, quiet enjoyment of its residents' homes and properties, and minimize nuisances in the Town of Cabot (herein after referred to as "Town").

SECTION 3: DEFINITIONS

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

- A. Dogs – shall mean any member of the canine species (*Canis familiaris*). For purposes of this ordinance, this term dog, wherever used, shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.
- B. Wolf-hybrid – shall mean an animal that is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*); an animal that is advertised, registered, licensed, or otherwise described or represented as a wolf-hybrid by its owner; or an animal that exhibits primary physical and behavioral wolf characteristics.
- C. Working farm dog - means a dog that is bred or trained to herd 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.
- D. Enforcement Officer - shall mean any Town Constable, Health Officer, Animal Control Officer, Public Safety Officer or Selectboard member.
- E. Selectboard - shall mean the elected legislative body of the Town as it may appear from time to time.
- F. Animal Control Officer - shall mean the individual or individuals as are duly appointed by the Selectboard to administer this ordinance.
- G. Pound and Pound keeper - shall mean those places and those persons, respectively, designated from time to time by the Selectboard of the Town to keep dogs found by the Enforcement Officer to be

violating any provision of this ordinance. For the convenience of the Town, both short-term (less than 3 days) and longer-term impoundment may be so designated.

H. Owner or keeper - shall mean any person, persons, corporations or entity who owns, harbors, keeps or permits any dog to be kept in or about their buildings or premises, and includes any person who has actual or constructive possession of a dog. The term shall also include those persons who provide feed and shelter to a dog. However, it is not the intent of the Selectboard to require a person to be responsible under this chapter for feral animals that take up residence in a building other than a person's home, even if the person occasionally provides feed to the animal(s). For the purpose of this ordinance, wherever used, the owner is to include keeper.

I. Potentially vicious dog – shall mean:

- 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.

This definition shall not apply if the dog 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 dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog while said persons who are in the act of trespassing upon the private property of the owner of the dog.

J. Running at large – shall mean that a dog is not:

- On a leash;
- In a vehicle;
- On the owner's premises;
- on the premises of another person with that person's permission;
- clearly under the verbal or non-verbal control of the owner; or
- hunting with the owner on owner's premises or other persons premises with permission.

K. Confinement - shall mean keeping a dog on the owner's property in an escape-proof building or enclosure approved by the Town Health Officer or Animal Control Officer; e.g., a house, garage or pen. The dog must be confined so as to not escape and not bite or expose anyone during the confinement period. The Town Health Officer or Animal Control Officer must approve conditions of confinement; for example, whether a muzzled dog may be leash-walked by an adult.

- L. Quarantine - shall mean keeping a dog off the owner's property in a facility approved by the Town Health Officer or Animal Control Officer; e.g., an approved kennel or a veterinary hospital. The dog must be isolated from human or animal contact.
- M. Town of Cabot – All locations within the borders of Cabot.

SECTION 4: NUISANCES

An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

- A. Running at large within the Town borders.
- B. A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.
- C. A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of more than 15 minutes.
- E. The provisions of this section pertaining to running at large and disturbing the quiet, comfort, and repose of others shall not apply to a working farm dog when it is on the property being farmed by the person who registered the working farm dog in the following circumstances:
 - 1. the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or
 - 2. the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.

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. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. It is suggested that each dog wear a tag stating the name of the dog and the name, phone number, and address of the

owner(s). A dog that is found without a collar or harness and license may be immediately impounded.

- B. A person who owns, harbors or keeps a dog more than six months old shall annually on or before April 1 have the dog registered, numbered, described and licensed on a form provided by the Cabot Town Clerk, and shall pay for the license those amounts permitted or required by 20 V.S.A. 3581, as amended . If the license fee for any dog is not paid by April 1, its owner may thereafter procure a license for that license year by paying a fee of fifty percent more than the original fee.
- C. Before an owner shall be entitled to obtain a license for a spayed female or neutered male dog, the owner shall exhibit to the Town Clerk a certificate signed by a duly licensed veterinarian showing that the female or male dog has been sterilized.
- D. A license surcharge fee per license is mandated by the State of Vermont, which will be forwarded to the State Treasurer to be used for rabies control programs. This surcharge shall not be considered to be part of the license fee for the purpose of calculating a penalty for late payment.
- E. A license surcharge fee per license is mandated by the State of Vermont, which will be forwarded to the State Treasurer to be used for spay/neuter programs. This surcharge shall not be considered to be part of the license fee for the purpose of calculating a penalty for late payment.
- F. Before obtaining a license for a dog of six months of age or older, the owner shall deliver to the Town Clerk a certificate or a certified copy thereof signed by a duly licensed veterinarian, stating that the dog has received a current vaccination against rabies with a vaccine approved by the Commissioner, and the owner shall certify that the dog described in the certificate or copy is the dog to be licensed. The Town Clerk shall keep the certificates or copies thereof on file. The owner of any dog shall maintain a copy of the rabies vaccination form and provide it to State and Town officials upon request.
- G. Any dog impounded pursuant to this section may be released according to the provisions of Section 8 of this Ordinance.

SECTION 6: IMPOUNDMENT & ENFORCEMENT

- A. This Ordinance for the Control of Dogs and Wolf-Hybrids is designated as a civil ordinance. It shall be enforced by an enforcement officer as provided under 24 V.S.A. § 1974a.
- B. When a written complaint is lodged with the Selectboard, if further investigation is deemed required by the Selectboard under subsection (D), an Enforcement Officer shall make a reasonable investigation to determine whether a violation of this ordinance has occurred.
- C. A written complaint shall include a full description of the dog, including breed, size, color and other distinguishing features, which description must be sufficient for an Enforcement Officer to make proper identification. The person making the complaint must provide his or her name, address, phone number, and circumstances under which the dog was believed to be in violation of this ordinance. (See Towns Dog Complaint Form)
- D. The Selectboard after deliberation shall make the determination whether the complaint requires further investigation, and if yes, assigns an Enforcement Officer. If the Enforcement Officer reasonably concludes pursuant to his or her investigation that a dog is a nuisance or aggressive or vicious, the enforcement officer may impound said dog with the Pound keeper.
- E. The Enforcement Officer, upon apprehending and impounding any dog, shall make a complete registry in a permanent record book, entering the breed, color and sex of such dog, and whether the dog is licensed and shall, if possible after reasonable inquiry, notify the owner. If a dog is licensed, the Enforcement Officer shall enter the name and address of the owner and number of the license tag.

SECTION 7: PENALTIES AND COSTS

- A. First offense - Impoundment & impoundment costs, boarding, enforcement officer and Town cost as well as any remedial action as required by the enforcement officer, plus any penalties as established annually by the Selectboard not to exceed \$50.00.
- B. Second offense - Impoundment & impoundment costs, boarding, enforcement officer and Town cost as well as any remedial action as required by the enforcement officer, plus any penalties as established annually by the Selectboard not to exceed \$150.00.

- C. Third offense - Impoundment & impoundment costs, boarding, enforcement officer and Town cost as well as any remedial action as required by the enforcement officer, plus any penalties as established annually by the Selectboard not to exceed \$200.00.
- D. Subsequent offenses costs – any remedial action as required by the enforcement officer, and penalties as established annually by the Selectboard not to exceed \$500.00.
- E. For purposes of determining the sequence of offenses, second and third offenses shall be those that occur within the 12-month period of the anniversary day of the first offense. Any offense occurring after this 12-month period shall be considered a new first offense.
- F. Any owner whose dog has been impounded for its initial third offense shall provide the Selectboard with proof of satisfactory completion of a dog owner training course within 6 months of the anniversary date of impoundment. Failure to provide such certification may result in forfeiture of the offending animal.
- G. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.
- H. A waiver fee of 50% of the civil penalty to which an owner is subject to shall be assessed for those owners who admit or do not contest the ordinance violation and pay the waiver fee. The waiver fee amount and the date for acceptance of the waiver fee shall be affixed to the ticket, complaint or notice.
- I. Impoundment costs, boarding, enforcement officer and Town costs and shall be as that set by the pound keeper, enforcement officer and Town at the time of the offense.

SECTION 8: RELEASE FROM IMPOUNDMENT

- A. Upon delivery to the pound, the impounding Enforcement Officer shall, within twenty-four (24) hours, notify the owner, if the owner of the dog is known. Notice shall be sufficient if given by phone, in person, by written notice at the owner's dwelling, or by certified mail to the dog's owner. The dog shall be held for ten (10) days from mailing of notice unless claimed earlier.
- B. If the owner of the dog is unknown, the Enforcement Officer shall, within twenty-four (24) hours, post a public notice. Notification shall be posted in the town clerk's office and other

usual places for public notice for a ten (10) day period. The notice shall include a description of the dog, when and where it was impounded or found by the person placing the dog in the town's custody, and declare that unless the owner claims the dog and pays all expenses incurred by the town, including applicable penalties, and takes remedial action within ten (10) days following posting, the town may place the dog in an adoptive home or transfer it to a humane or rescue society. If such placement cannot be made, the dog may be destroyed in a humane way.

- C. Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including but not limited to boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license, and verification of certification of current vaccination against rabies.

- D. If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization, or if the town is unable to transfer the dog it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment and any expenses associated with its transfer or humane disposal.

- E. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the rules of the Vermont Department of Health.

SECTION 9: OTHER

- A. Any dog impounded under the provisions of this ordinance at any impoundment facility designated by the Selectboard shall be released only on payment establishment annually by the Selectboard to the Town.

- B. In addition to the impoundment fees charged herein, there shall be a boarding charge of \$10 per day, which may be increased annually by the Selectboard and paid to the pound keeper, beginning the day the animal is accepted, during which the dog is impounded.

SECTION 10: IMPOUNDMENT & QUARANTINE OF RABID DOGS

- 1) Any Enforcement Officer may impound or cause the confinement or quarantine of any domestic pet or wolf-hybrid when:
 - a. It is suspected of having been exposed to rabies;
 - b. It is believed to have been attacked by another animal which may be rabid;
 - c. It has been attacked by a rabid animal;
 - d. It has an unknown rabies vaccination history;
 - e. It has bitten a person.

- 2) In the event that a domestic pet or wolf-hybrid is impounded under this section, the owner or keeper, if known, shall be notified within 24 hours. Notification may be accomplished by in-person communication, by telephone call, email or by written statement sent to the last known address of the owner. If the owner or keeper's address is not known, notification may be posted in the Town Clerk's Office and other usual places for public notice for a one-week period.

- 3) Any domestic pet or wolf-hybrid which is considered a rabies suspect, or is suspected of biting a person, shall be managed in accordance with the rules of the Vermont Department of Health and the provisions of 20 V.S.A. Chapter 193, Subchapter 5, as amended. Any dog suspected of rabies will be quarantined at an approved location unless the Animal Control Officer, Town Health Officer, or Selectboard feels that confinement by the owner is appropriate.

- 4) The owner or Town; if the owner is not identified, of any domestic animal or wolf-hybrid that is a suspect rabid animal, as defined in this section, which is confined or quarantined, or euthanized for the purpose of testing for rabies, shall be responsible for all costs associated with said confinement, quarantine, euthanization and the rabies testing.

- 5) The Town of Cabot shall not be responsible for damages incurred in euthanization and rabies testing, or be liable for the value of such animals.

SECTION 11: INVESTIGATION OF BITES BY DOMESTIC PETS OR WOLF-HYBRIDS

- 1) 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; or visible scratches or punctures remain on the skin, such person may file a written complaint with the Selectboard. The complaint shall contain the time, date, and place where the attack occurred, the names and addresses of the victim(s) and witness(es), and any other facts that may assist the Selectboard in conducting its investigation required by subsection (2) of this SECTION.
- 2) The Selectboard, within seven (7) calendar days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner or keeper of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner or keeper shall be provided with a written notice of the time, date, and place of hearing and the facts of the complaint.
- 3) If the domestic pet or wolf-hybrid is 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 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, to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided by law.
- 4) The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Selectboard or a municipal official designated by the Selectboard determines that the dog is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the Vermont Department of Health shall apply. If the dog is deemed healthy, the terms and conditions set forth in the Selectboard's order shall be enforced

SECTION 12: OTHER LAWS

This ordinance is in addition to all other ordinances of the Town of Cabot and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed but only to the extent of such inconsistency.

SECTION 13: REPEAL OF PRIOR ORDINANCES

Any Animal Control or Dog Ordinance previously adopted by the Town of Cabot is hereby amended by deleting such ordinance in its entirety upon the effective date of the ordinance as set forth below pursuant to 24 V.S.A. §1971 et sq., as amended. This ordinance supersedes the existing ordinance enacted May 15, 2013.

SECTION 14: EFFECTIVE DATE

This Ordinance shall be effective upon adoption by the Town of Cabot Selectboard. If a petition is filed under 24 V.S.A. § 1973, that section shall govern the taking effect of this Ordinance.

SECTION 15: SEVERABILITY

If any part or portion of this Ordinance for the Control of Dogs shall be held invalid, such part shall be deemed severable, and the invalidity of the part shall not affect the validity of the remainder.

Signed this _____ day of _____, 2018 by the Cabot Selectboard.

Michael J. Hogan, Chair

Edward (Ted) Domey, Vice Chair

Fred Ducharme

Bernard Shatney

John "Jack" Daniels, Clerk