

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

ARTICLE 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.

ARTICLE 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 and destruction and their running at large, so as to protect the public health and safety and minimize nuisances within the Town of Cabot (herein after "Town") and the quiet enjoyment of its residents' homes and properties.

ARTICLE 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 which is the progeny of a dog (*canis familiaris*) and a wolf (*canis lupus* or *canis refus*). *Wolf-hybrid* also means an animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its owner or keeper or an animal which 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 who 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.

ARTICLE 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 working farm dogs if:
 - 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.

ARTICLE 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 of \$1.00 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 of \$2.00 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 to its owner only when said dog is properly licensed with the Town and all impoundment and boarding fees are paid. Unclaimed dogs shall be disposed of in accordance with the provisions of Article VI herein.
- H. Pursuant to 20 V.S.A. 3590, as amended, the Selectboard shall annually certify a list of unlicensed dogs. Such list shall be given to the Town Clerk and the Animal Control Officer for licensing and further action as required by law.

ARTICLE 6: IMPOUNDMENT & ENFORCEMENT

- A. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Washington County Superior Court, at the election of the Town.
- B. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, the Town constables, animal control officers, and Selectboard members shall be the designated enforcement officers. The enforcement officers shall issue tickets and may be the appearing officer at any hearing.
- C. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

- D. An Enforcement Officer shall make a reasonable investigation to determine whether a violation of this ordinance has occurred when an appropriate written complaint is lodged with the Selectboard or any Enforcement Officer and the complainant can document contact with the owner or keeper to correct the disturbance or nuisance. The Enforcement Officer may waive the requirement to document the contact. In the case of a complaint concerning Article 3 - J (Running at Large) two households must jointly or independently bring the complaint defining the disturbance or nuisance caused on each property. If the Enforcement Officer reasonably concludes pursuant to his or her investigation that a dog is creating a disturbance or nuisance, he or she may impound said dog with the Pound keeper, if authorized in accordance with Section 6 A, B and C.

- E. An substantiated complaint shall be deemed to have been made when a person/persons gives an Enforcement Officer 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. If such description is insufficient for a proper identification, no dog shall be impounded. The person/persons who made such complaint shall, within forty-eight (48) hours of the original complaint, file in writing with the Enforcement Officer a written complaint on a form provided by the Town setting forth his or her name, address, phone number, description of the dog and circumstances under which the dog was believed to be in violation of this ordinance. If no written complaint is filed, the Enforcement Officer, at his or her option, may release the dog upon receipt of payment of any impoundment fees or boarding fees which may be due.

- F. 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. The Enforcement Officer shall immediately forward a duplicate registry to the Town Clerk to be filed with the dog licenses.

ARTICLE 7: PENALTIES AND COSTS

- A. First offense \$50.00 full penalty/\$25.00 waiver penalty.

- B. Second offense \$100.00 full penalty/\$50.00 waiver penalty.

- 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 \$ 2 00.00 full penalty/\$100.00 waiver penalty.

- D. Subsequent offenses Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$500.00 full penalty/\$250.00 waiver penalty.

- 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 responsible dog owner training course pre-approved by the Selectboard 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 pre-approved responsible owner training programs shall be as that set by the pound keeper, enforcement officer and Town at the time of the offense.

ARTICLE 8: RELEASE FROM IMPOUNDMENT

- A. Upon delivery to the pound, the impounding Enforcement Officer shall notify the owner, if the dog is licensed and has identifying tags. Notice shall be sufficient if given by phone, in person or by certified mail to the dog's owner. The dog shall be held for five (5) working days from mailing of notice unless claimed earlier.
- B. If the dog is unlicensed, the Enforcement Officer shall notify the owner by certified mail or in person at the owner's resident, if known, and shall post a notice containing a description of the dog in the Town Clerk's Office for five (5) working days.
- C. If the owner does not claim the dog within five (5) working days from mailing, personal delivery or posting of the notice, the dog may be given to any person who pays the Pound keeper's fees and the cost of any necessary shots and license fees.
- D. No dog shall be released unless the owner shall first have applied for and received a valid current license, and all impoundment, boarding and license fees, and the cost of any necessary shots, as required herein, have been paid. If the dog does not hold a valid rabies certificate, the Pound keeper will arrange to have the dog vaccinated at a service charge of the cost of the vaccination.
- E. If no person claims an impounded dog on or within ten (10) working days of the mailing, personal delivery or posting of the notice, the dog may be humanely euthanized, and the Town shall pay all necessary costs incident thereto.

ARTICLE 9: IF OTHER THAN WHAT IS ALREADY THEIR IMPOUNDMENT FEES

A. Any dog impounded under the provisions of this ordinance at any impoundment facility designated by the Selectboard shall be released only on payment of a \$30 impoundment fee to the Town; provided, however, that any dog impounded for the third time in any calendar year shall be released on payment of a \$45 impoundment fee, and if so captured four (4) or more times in any calendar year, it shall be released only upon payment of a \$60 impoundment fee.

B. In addition to the impoundment fees charged herein, there shall be a boarding charge of \$10 per day or fraction thereof paid to the pound keeper, beginning the day the animal is accepted, during which the dog is impounded.

C. The Selectboard is hereby authorized periodically to increase the impoundment fees and boarding charges provided for in this section by appropriate resolution.

ARTICLE 10: IMPOUNDMENT & QUARANTINE.

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, 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 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 keeper of any domestic animal or wolf-hybrid that is a suspected to be a 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.

ARTICLE 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 or victims and witnesses, 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 requirements of any such order shall not conflict with the requirements of Article VI, particularly Section C. 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 herein.

ARTICLE 12

RIGHT TO EUTHANIZE DOGS OR WOLF-HYBRIDS

1) A person may euthanize a dog that suddenly assaults said person or when necessary to discontinue an attack upon the person or another person provided the attack or assault does not occur while the dog is restrained, within an enclosure containing the dog, or on the premises of the owner. 20 V.S.A. 3545(a)

2) A dog found wounding, killing or worrying another dog, a domestic animal or fowl may be euthanized when 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. 20 V.S.A. 3545(b)

ARTICLE 13

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.

Selectboard, Town of Cabot

Signed this _____ day of _____, 2017 by the Cabot Selectboard.

Edward (Ted) Domey, Chair

John (Jack) Daniels

Fred Ducharme

Bernie Shatney

Michael J. Hogan

