

DOGS, WOLF HYBRIDS, AND OTHER DOMESTIC PETS

The Warren Selectboard, at its regular meeting held on the 4 day of September 2001, upon motion duly made and seconded, unanimously adopted the following civil ordinance pertaining to the keeping of dogs, wolf hybrids, and domestic pets:

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Warren pursuant to the authority granted by 20 V.S.A. §3549, 24 V.S.A. §2291, and 24 V.S.A. Chapter 59. The purpose of this ordinance is to regulate the keeping of dogs, wolf hybrids, and other domestic pets and their running at large to promote the health and safety of the public as well as the peace of the community.

SECTION 2. DEFINITIONS.

- A. "Domestic pet" or "pet" means any domestic dog, domestic cat, ferret or wolf hybrid including the male, female or neuter gender of each such pet. The term shall also include any such other animal that the constable, police officer, or animal control officer or humane officer finds has the potential to become an imminent danger to public health or welfare.
- B. "Domestic dog" means any member of the canine species and includes a wolf hybrid animal.
- C. "Owner" means any person, firm, association, or corporation or other institution or entity owning, keeping, or harboring a domestic pet, or who has actual or constructive possession of the domestic pet. The term also includes those persons who provide food or shelter to a domestic pet as defined herein.
- D. "At large" means that the pet is not:
 - 1. On a leash; or
 - 2. In a vehicle; or
 - 3. On the owner's property; or
 - 4. On the property of another person with that person's permission; or
 - 5. Clearly under the verbal or nonverbal control of the owner; or
 - 6. Hunting with the owner.
- E. "Wolf hybrid" means an animal which is the progeny or descendent of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*). "Wolf hybrid" also means any animal that 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 behavioral wolf characteristics pursuant to the rules adopted by the Commissioner of the Department of Fish and Wildlife.

- F. "Vicious dog" means a domestic dog or wolf hybrid that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term shall also mean any animal which, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. §3541.
- G. "Direct control of the owner" shall mean on a leash, in a vehicle, or on the owner's property.

SECTION 3. HUMANE CARE. All domestic pets shall be furnished with a clean and safe facility sufficient to protect the animal and the public health. Any domestic pet determined by the constable, a police officer, or an animal control officer to be without such clean and safe facilities may be impounded.

SECTION 4. DISTURBANCES AND NUISANCES.

- A. No domestic dog or wolf hybrid shall run at large in the Town.
- B. No domestic pet shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the domestic pet.
- C. A female domestic pet 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 domestic pet which disturbs the quiet, comfort, and repose of others by frequent, habitual, or persistent barking or howling.

SECTION 5. DEFECATION. The person in control of a domestic pet which 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 6. FAILURE TO LICENSE.

- A. Each domestic dog and/or wolf hybrid shall be licensed according to the laws of the State of Vermont and shall wear a collar or harness with the current license attached. Any domestic dog or wolf hybrid which is visiting from out of state must wear a collar or harness with the current license from its home state attached.
- B. A domestic dog or wolf hybrid which is found without a collar or a harness and license may be immediately impounded under the authority of 20 V.S.A. §3806 and shall be managed under the provisions of that statute. All unlicensed domestic dogs and wolf hybrids may be destroyed pursuant to 20 V.S.A. §3807.

- C. In addition a deposit of \$20.00 shall be paid in respect of any unlicensed dog that becomes impounded. Upon delivery of a current rabies certificate to the Town Clerk, the deposit shall be returned minus the registration fee.
- D. The impounding officer may cite the owner for the third and any subsequent impoundment providing such impoundment occurred in any twelve-month period. The penalties set forth in Section 10 shall be applicable.
- E. Penalties shall be paid to the Treasurer, Town of Warren, P.O. Box 337, Warren, VT.

SECTION 10. PENALTY FOR VIOLATION. Notwithstanding the fees and penalties imposed by Section 9 of this ordinance, a civil penalty of not more than \$500.00 for each violation may be imposed and, in the event of a continuing violation, each week or portion thereof that the violation continues shall constitute a separate offense. Penalties shall be paid to the Treasurer, Town of Warren, P.O. Box 337, Warren, VT.

SECTION 11. INJUNCTIVE RELIEF. Notwithstanding the penalties imposed by Section 10 of this ordinance, the Town shall be empowered to seek and obtain injunctive relief for continued and persistent violations of Sections 3, 4, 5, and 6 hereof.

SECTION 12. VICIOUS DOGS. If any domestic dog bites any person, domestic pet, or deer and that fact shall be proved to the satisfaction of the Selectboard under procedures provided in 20 V.S.A. Chapter 193, the Selectboard may order that the dog be muzzled, confined or disposed of in a humane way. If any vicious or rabies infected domestic dog running at large cannot be safely caught and impounded, the Selectboard may order such dog to be slain by a police officer, constable or dog officer. When notified by a police officer, constable, or dog officer that such dog has bitten any person, it shall be unlawful for the owner to sell or give away the dog or to permit it to be taken beyond the limits of the town except with permission of the Selectboard or under the care of a licensed veterinarian. Any cost of quarantine must be the responsibility of the dog owner. Dogs who are trained to attack, known to be vicious, or against which a complaint of viciousness or attack has been made in writing, shall be licensed by the Town Clerk only upon conditions imposed by the Selectboard.

SECTION 13. HEARING ON VIOLATIONS. For any violation of this ordinance the Selectboard may hold a hearing and upon a finding of any violation may order the dog restrained, muzzled or destroyed in a humane way.

SECTION 14. REPEAL OF PRIOR ORDINANCE. This ordinance, on its effective date, shall repeal the prior ordinance of the Town of Warren pertaining to the keeping of dogs and their running at large.

