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Town of Concord Dog Ordinance

DOGS [AND WOLF HYBRIDS]

SECTION 1. AUTHORITY. This ordinance is adopted by the selectboard of the Town of Concord under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10) and 2291 (14 & 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], to protect public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply:

A. "**Dog**" means any member of the canine species;

B. "**Wolf hybrid**" means:

1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*);
2. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
3. An animal that exhibits primary physical and/or behavioral wolf characteristics.]

C. "**Owner**" means any person who has actual or constructive possession of a dog [or wolf hybrid]. The term also includes those persons who provide food and shelter to a dog [or wolf hybrid].

D. "**Running at large**" means that a dog [or wolf hybrid] is not:

1. on a leash;
2. in a vehicle;
3. on the owner's property;
4. on the property of another person with that person's permission;
5. clearly under the verbal or non-verbal control of the owner; or
6. hunting with the owner.

E. "**Vicious dog** [or **wolf hybrid**]" means a 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 that, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 3541.

SECTION 4. DISTURBANCES AND NUISANCES.

A. No dog [or wolf hybrid] shall run at large in the town.

B. No dog [or wolf hybrid] shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog or wolf hybrid.

C. A female dog [or wolf hybrid] 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 dog [or wolf hybrid] that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

SECTION 5. POOPER SCOOPER. The person in control of a dog [or wolf hybrid] that 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. COLLAR AND LICENSE.
A. Each dog [and/or wolf hybrid] shall be licensed according to the laws of this state and shall wear a collar or harness with the current license attached. An animal that is visiting from out of state must wear a collar or harness with a current license from its home state attached.
B. A dog [or wolf hybrid] that is found without a collar or harness and license shall be immediately impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.
SECTION 7. HUMANE CARE OF DOGS [AND WOLF HYBRIDS]. All dogs [and wolf hybrids] shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog [or wolf hybrid] determined by [the constable/police/animal control officer/humane officer] to be without such clean and safe facilities may be impounded.
SECTION 8. ENFORCEMENT. This is a civil ordinance and shall be enforced by [the constable/ police/animal control officer/humane officer] in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq.
SECTION 9. IMPOUNDMENT.
A. Any dog [or wolf hybrid] that is determined by a [constable/police officer/animal control officer/ humane officer] to be a vicious dog [or wolf hybrid] which presents an imminent danger to people or other animals shall be immediately impounded.
B. Any dog [or wolf hybrid] that is apprehended for a third or subsequent violation of any provision of this ordinance shall be impounded.
SECTION 10. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.
A. The officer who impounds a dog [or wolf hybrid] shall, within 24 hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.
B. If an impounded dog [or wolf hybrid] has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. § 3806.
C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and after remedial action by the owner. Remedial action shall include but is not limited to such actions as providing a collar and current license and providing a plan for compliance with the provisions of this ordinance and with state law.
SECTION 11. INVESTIGATION OF VICIOUS DOGS [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 legislative body of the municipality. 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 legislative body in conducting its investigation.
B. The legislative body, 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 is found to have bitten the victim without provocation, the municipal officials 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. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.
D. The procedures provided in this section shall only apply if the domestic pet or wolf-hybrid is

not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the department of health shall apply.

SECTION 12. PENALTIES AND COSTS.

A. First offense Written warning

B. Second offense $25.00 full penalty/$15.00 waiver penalty

C. Third offense Impoundment & impoundment costs, plus $50.00 full penalty/$35.00 waiver penalty

D. Subsequent offenses Impoundment & impoundment costs, plus $100.00 full penalty/$75.00 waiver penalty (*the waiver penalty applies when an alleged violator pays the fine without contesting the violation*).

E. Impoundment costs shall be set annually by the selectboard.

SECTION 13. OTHER LAWS. This ordinance is in addition to all other Ordinances of the Town of Concord and all applicable laws of the State of Vermont.

SECTION 14 SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 15. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Concord selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

DATE JUL 0 7 2009

Selectboard members Signatures

Michael F Regan, Chairman

Carol Genth

George Morehouse

James R. Goehle

Denis P. Girouard

Adoption History

1. Agenda item at regular selectboard meeting held on ~~MAY 0 7 2009~~ 2nd.
2. Read and approved at regular selectboard meeting on ~~MAY 0 7 2009~~ and entered in the minutes of that meeting which were approved on MAY 0 7 2009. ~~MAY 0 7 2009~~
3. Posted in public places on MAY 0 8 2009.
4. Notice of adoption published in the Caledonia Record newspaper on MAY 0 8 2009 with a notice of the right to petition.
5. Other actions [petitions, etc.]