

TOWN OF STRAFFORD DOG ORDINANCE

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Strafford 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, 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, including wolf hybrids.
- 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. The term also includes those persons who provide food and shelter to a dog.
- D. **“Running at large”** means that a dog 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 non-verbal control of the owner; or
 - 6. hunting with the owner.
- E. **“Vicious dog”** means a dog 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.
- F. **Multiple Offenses** - For purposes of this Ordinance, second, third and subsequent offenses are defined as those multiple and cumulative offenses committed by the dogs and/or wolf hybrids of a single owner.

SECTION 4. DISTURBANCES AND NUISANCES.

- A. No dog shall run at large in the town.
- B. No dog 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.
- C. A female dog 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 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 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 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 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.
- C. **Licensing** - Every owner of a dog or wolf-hybrid shall annually license said animal in accordance with the provisions of 20 V.S.A., Chapter 193, Subchapter 2. The owner of a dog or wolf-hybrid shall cause it to wear a collar and attach thereto a license tag issued by the Town Clerk. The fee for a license shall include a \$ surcharge above the license fee required by State Statute to offset animal control expenses incurred by the Town. A late fee of \$20.00 shall be due after April 1 if a license is obtained after April 1.
- D. **Immunization** - All dogs and wolf-hybrid owners shall have their animals inoculated against rabies in accordance with 20 V.S.A., Section 3581, 20 V.S.A., Section 3581(a) and any rules adopted by the Commissioner of Agriculture.

SECTION 7. HUMANE CARE OF DOGS. All dogs shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog determined by the constable/animal control 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/animal control officer in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq.

SECTION 9. IMPOUNDMENT.

- A. Any dog that is determined by a constable/animal control officer to be a vicious dog which presents an imminent danger to people or other animals shall be immediately impounded.
- B. Any dog that is apprehended for a fourth 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 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 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 and the rules of the department of health shall apply.
- D. Unclaimed animals, after ten days, may be transferred to the humane society or otherwise disposed of.

SECTION 11. INVESTIGATION OF VICIOUS DOGS

- A. When a dog has bitten a person while the dog 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 dog 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 dog 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 dog 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 dog 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 \$30.00 penalty
- B. Second offense \$50.00 penalty
- C. Third offense \$100.00
- D. Subsequent offenses Impoundment & Impoundment costs, plus \$200.00 penalty
- E. Impoundment cost To be set annually by the Selectboard or whenever the Selectboard in the exercise of its judgment considers it to be necessary.

SECTION 13. OTHER LAWS. This ordinance is in addition to all other Ordinances of the Town of Strafford 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 Strafford Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

SIGNATURES

DATE

Adoption History

1. Agenda item at regular selectboard meetings held on 6/3/'09 and 6/08/'09.
2. Read and approved at regular selectboard meeting on 6/08/'09 and entered in the minutes of that meeting which were approved on 06/16/2009.
3. Posted in public places on 06/18/2009.
4. Notice of adoption published in the Valley News newspaper on 06/18/2009 with a notice of the right to petition.
5. Other actions [petitions, etc.]

Amended

May 25, 2011

1. Agenda item at regular Selectbaord meeting held on 4/6/2011, 4/20/2011, 05/25/2011.
2. Read and approved at regular selectboard meeting on 05/25/2011 and entered in the minutes of that meeting which were approved on -6/01/2011.
3. Posted in public places on 05/30/2011.
4. Notice of adoption published in the Valley News newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]

Amended

Date: February 26, 2020

1. Agenda item at regular Selectbaord meeting held on 01/22/2020, 02/12/2020, 02/26/2020.
2. Read and approved at regular selectboard meeting on 02/26/2020, and entered in the minutes of that meeting which were approved on 03/11/2020.
3. Posted in public places on 03/02/2020.
4. Notice of adoption published in the Valley News newspaper on 03/02/2020 with a notice of the right to petition.
5. Other actions [petitions, etc.]