

TOWN OF DOVER

AN ORDINANCE FOR THE CARE AND CONTROL OF ANIMALS

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**TOWN OF DOVER
AN ORDINANCE FOR THE CARE AND CONTROL OF ANIMALS**

The Selectboard of the Town of Dover hereby ordains:

The **Town of Dover Dog Ordinance** adopted September 15, 1992 is amended so that the ordinance shall now read in its entirety as follows:

Section 1: AUTHORITY

This Ordinance is enacted pursuant to 24 V.S.A. §2291 (10) and (14) and 20 V.S.A. §3549 and is promulgated in order to protect the health, safety and welfare of the citizens of the Town of Dover and others by regulating the keeping of domestic animals and wolf hybrids.

The Selectboard shall annually appoint an animal control officer or other appropriate official to enforce this ordinance.

Section 2: DEFINITIONS

As used in this Ordinance, unless the context otherwise indicates:

Dog shall mean an animal, either male or female, which is the progeny or descendant of the species *canis familiaris*.

Cat shall mean an animal, either male or female, which is the progeny or descendant of the species *felis catus* or *felis domestica*.

Enforcement Official/ Animal Control Officer/ Officer shall mean any Police Officer, Constable, Road Commissioner, or Poundkeeper. These terms shall also include any other individual specifically designated by the Selectboard to enforce the provisions of this Ordinance from time to time.

Poundkeeper shall mean: a person designated from time to time by the Selectboard of the Town of Dover, to keep and/or humanely destroy domestic pets and wolf-hybrids determined by the Enforcement Officer to have violated any provisions of this ordinance.

Ferret shall mean an animal, either male or female, which is the progeny or descendent of the species *mustela putorius furo*.

Domestic Pet shall mean any dog, cat or ferret. This term shall also include such other domestic animals as the Commissioner of the Department of Agriculture, Food and Markets shall establish by rule from time to time.

Selectboard shall mean the legislative body of the Town of Dover as it may be constituted from time to time.

Section 2 - Definitions (continued)

Wolf-Hybrid shall mean an animal which is the progeny or descendant of a domestic dog (*canis familiaris*) and a wolf (*canis lupus* or *canis rufus*). *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 (as defined by the Vermont Department of Fish & Wildlife).

Owner or Keeper shall mean any person, or persons, firm, association or corporation owning, keeping or harboring any domestic pet or wolf-hybrid, and includes any person who has actual or constructive possession of a domestic pet or wolf hybrid. The term shall also include those persons who provide feed and shelter to a domestic pet or wolf-hybrid. However, it is not the intent of the Selectboard to require a person to be responsible under this Ordinance 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).

At Large shall mean a dog or wolf-hybrid that is off the premises of the owner or keeper, and not under the control of the owner or keeper, a member of his or her immediate family, or an agent of the owner, either by leash, cord, chain or other reasonable means of restraint, and not lawfully engaged in hunting with the owner or keeper, so that at all times the dog or wolf-hybrid can be prevented from causing damage, disturbance or annoyance.

Excessive Noise shall mean any noise that is created by a domestic pet or wolf-hybrid, audible to an individual in a location where he or she is lawfully permitted to be, that is of such volume, duration or frequency that a reasonable person would find it disturbing or irritating.

Vicious Domestic Pet or Wolf Hybrid shall mean a domestic pet or wolf-hybrid which causes any person to suffer or reasonably fear a bodily injury by attacking or threaten of attack, except that a domestic pet or wolf-hybrid shall not be deemed "vicious" as the result of an attack or threat upon a person in the act of trespassing upon the private property of the owner or keeper of the domestic pet or wolf-hybrid.

An "appropriate complaint" shall be deemed to have been made under this ordinance when a person gives the Selectboard or other Enforcement Official a full description of the domestic pet or wold-hybrid, including breed, size, color and other distinguishing features, which description must be sufficient for a proper identification. The person who makes such complaint shall do so on a form supplied by the Town of Dover setting forth his or her name, address, phone number, a description of the domestic pet or wolf-hybrid and the circumstances under which the domestic pet or wolf-hybrid was believed to be in violation of this Ordinance.

Section 2: Definitions (continued)

Nuisance animal means any domestic pet or wolf-hybrid that:

- Makes excessive noise
- Causes damage to public or private property
- Scatters refuse
- Molests or threatens passers-by or passing vehicles on public roads or property
- Acts viciously toward persons or attacks other animals
- Obstructs traffic
- Is unlicensed in violation of 20 V.S.A. §3581
- Is running at large (as defined here), or
- Otherwise acts to create a nuisance or disturbance

- o. Service animal shall mean an animal used to assist a physically challenged person or an animal used to assist public safety personnel.

Section 3: RUNNING AT LARGE

No owner or keeper shall permit a dog or wolf-hybrid owned by him/her or under his/her keeping or control to run at large. The owner or keeper of a dog or wolf-hybrid shall not allow the animal to enter or remain on the property of others, including lawns, gardens, yards, schoolyards, parks and/or playgrounds at any time or in any manner in which it would be unlawful for the owner to so enter or remain, nor shall he/she allow the animal to enter any public building or lands unless the animal is a necessary service animal.

Section 4: DISTURBANCES AND NUISANCES

The owner or keeper of a domestic pet or wolf-hybrid shall not allow the domestic pet or wolf-hybrid to be a nuisance animal.

Animals kept as livestock in accepted agricultural practice, as defined by the commissioner of forests, parks and recreation from time to time shall not be deemed nuisance animals under this Ordinance, or otherwise be subject to regulation hereunder.

Section 5: IMPOUNDMENT

Any Enforcement Official may apprehend and impound any domestic pet or wolf-hybrid found in violation of any provision of this Ordinance. Such impoundment shall occur in an animal shelter or other appropriate place designated by the Selectboard. Any nuisance animal may not be released until all fines and an impoundment fee, as specified in Section 8, below, are paid to the Town Office, and a certification of rabies vaccination and any necessary licenses for the current year are shown. The owner of the domestic pet or wolf-hybrid shall, in addition, be responsible for any and all fees charged by the Poundkeeper or other person designated by the Selectboard for the care of the animal while impounded.

Section 6: NOTICE OF VIOLATION FOLLOWING IMPOUNDMENT

Upon apprehending and impounding a nuisance animal, the enforcement official shall issue a notice of violation, which shall be delivered in person or mailed to the owner of the animal by certified mail. The notice of the violation shall include:

- A brief description of the alleged violation
- A statement that the owner has a right to a hearing before the Selectboard and a statement that failure to request a hearing within 10 days of the date of mailing of the notice shall constitute a waiver of the right to a hearing.
- A statement of charges and fines due if the Selectboard finds that the nuisance animal has violated this Ordinance or if the owner does not request a hearing.

If the owner of the nuisance animal is unknown, written notice shall be posted for at least three days in conspicuous places in the Town (the Dover Town Offices and Dover Post Office).

Section 7: SELECTBOARD HEARING FOLLOWING IMPOUNDMENT

A person who receives a notice of violation shall be provided a hearing before the Selectboard if the person submits a written request for a hearing to the Town Clerk within 10 days of the date of mailing of the notice of violation. If the owner does not request a hearing in a timely fashion, the owner shall be obligated to pay all charges and fines due under this Ordinance. If the owner does timely request a hearing, the Selectboard shall render its decision in writing within 10 days of the date the hearing is concluded.

Section 8: IMPOUNDMENT FEES

Any domestic nuisance animal impounded under the provisions of this Ordinance shall be released only on payment of a \$20.00 impoundment fee; provided however, that any domestic pet or wolf-hybrid impounded for the third time in any one calendar year period shall be released on the payment of a \$35.00 impoundment fee, and if impounded for four (4) or more times in any one calendar year period, shall be released only on the payment of a \$60.00 impoundment fee.

In addition to the impoundment fee charged herein, there shall be a boarding charge of \$8.00 per day or fraction thereof during which the domestic pet or wolf-hybrid is impounded. For large dogs or wolf-hybrids, the boarding fee will be \$12.00 per day.

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

Section 9: IMPOUNDING DOGS THAT HAVE BITTEN PERSONS

It shall be the duty of every enforcement official to apprehend and impound any domestic pet or wolf-hybrid that has bitten any person when an appropriate complaint is lodged to the official. Domestic pet and wolf-hybrid will be impounded for ten days to determine if the pet or wolf-hybrid is rabid. At the expiration of ten days, such domestic pet or wolf-hybrid shall be reclaimed by the owner, or if the owner is not known, sold, given away or humanely destroyed. The owner of any domestic pet or wolf-hybrid impounded for observation is responsible for all fines and fees that may be imposed.

Section 10: DISPOSITION OF UNCLAIMED DOGS

If after ten (10) days of impoundment, the owner of any dog cannot be found, the dog may be given to the Humane Society or an individual for adoption or destroyed in a humane way. If the owner of any dog is known, and he/she does not reclaim the dog, the dog may be given to the Humane Society or an individual or destroyed in a humane way and the owner of the dog will be liable for any and all fees involved. At the discretion of the Selectboard, the town shall pay toward the neutering/spaying of an adopted dog an amount not to exceed the cost of euthanasia. The Selectboard may choose to collect any and all fees involved in the impounding of a dog by a civil action against the owner.

Section 11: ENFORCEMENT BEFORE THE JUDICIAL BUREAU

Any person who owns a dog that violates any provision of this Ordinance shall be subject to a civil penalty of up to \$250.00 per day for each day that such violation continues. Any law enforcement officer, constable, or animal control officer may, in lieu of apprehending a dog found at large, act as an issuing Municipal Officer and issue and pursue before the Judicial Bureau a municipal complaint for any dog found to have violated any provision of this Ordinance.

Section 12: WAIVER FEE FOR MUNICIPAL COMPLAINT

An issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense	\$ 10.00
Second Offense	\$ 20.00
Third Offense	\$ 30.00
Fourth Offense	\$ 40.00
Fifth and Subsequent offenses	\$ 50.00

Offenses shall be counted on a calendar year basis.

Section 13: CIVIL PENALTY FOR ORDINANCE VIOLATIONS

An issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of this Ordinance:

First Offense	\$ 20.00
Second Offense	\$ 40.00
Third Offense	\$ 60.00
Fourth Offense	\$ 80.00
Fifth and Subsequent offenses	\$ 100.00

Offenses shall be counted on a calendar year basis.

Section 14: RIGHT TO CIVIL ENFORCEMENT

In addition to the enforcement procedures available before the Judicial Bureau, the Town is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Section 15: SEVERABILITY

If any part or provision of this Ordinance shall be deemed invalid by a court of competent jurisdiction, that portion of the Ordinance shall be severable, and the invalidity of said part or provision shall not invalidate any other part or provision of the Ordinance.

Dated and adopted this ___ day of _____, 1999, in the State of Vermont, County of Windham, Town of Dover.

**Town of Dover
Board of Selectmen**

Jane Chadwick, Chairman

Bonnie Clark

Charles Gentilin, Vice Chairman

David Ewing

Thomas Nova

LEGAL NOTICE

Pursuant to the provisions of Title 24, VSA, Chapter 59, the residents of the Town of Dover and all interested parties are hereby notified that the Board of Selectmen at the December 7, 1999 Board of Selectmen's meeting amended and adopted revisions to the Town of Dover Dog Ordinance.

The Town of Dover Dog Ordinance is now referred to AN ORDINANCE FOR THE CARE AND CONTROL OF ANIMALS. The table of contents is as follows:

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The complete ORDINANCE FOR THE CARE AND CONTROL OF ANIMALS is available for inspection at the Town Clerk's Office, Town Office, East Dover Post Office, and the Dover Free Library. The ordinance will take effect 60 days after it is adopted, unless 5% of the voters submit a petition within 44 days after it is adopted requesting an opportunity to vote on the ordinance. Questions may be directed to Nona Monis, Administrative Assistant at 464-8000.

Jane Chadwick, Chairman
Dover Board of Selectmen

December 7, 1999

This ordinance shall take effect sixty (60) days following its adoption by the Selectboard unless a petition requesting voter approval is submitted within forty-four (44) days following adoption as provided in 24 V.S.A. 1973.