

## HIGHGATE ORDINANCE DOGS AND [WOLF HYBRIDS]

**SECTION 1. AUTHORITY.** This ordinance is adopted by the Selectboard of the **Town of Highgate** 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. This Ordinance supersedes all previous versions of dog and animal control ordinances and policies in the Town of Highgate.

**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, cord, chain, command or otherwise;
  - 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.
- F. **"Nuisance"** means a dog [or wolf hybrid] that enters public property or private property other than the animal's owner, where the animal performs acts that disturbs the quiet enjoyment of the individuals who own the property. These acts include but are not limited to: defecation, rummaging in personal property or garbage, unwanted presence or causes damage.

### SECTION 4. DISTURBANCES AND NUISANCES.

- A. No dog [or wolf hybrid] that creates a nuisance 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.
- E. An Enforcement Officer, upon receipt of a written or electronic complaint of a person or persons disturbed, will investigate the complaint. If the complaint is deemed valid, the enforcement officer will issue a written warning to the owner of the Nuisance or Disturbance dogs [or wolf hybrid]. The enforcement officer investigating the complaint, will document their findings and take photographs and place on file with the Highgate Town Administrator. Upon receiving a second written or electronic complaint within one year, the dog or [wolf hybrid] will be ordered chained, confined or impounded.

**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.
- C. License fees will be established annually by the Town of Highgate Town Clerk and Selectboard

**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/health officer/animal control officer to be without such clean and safe facilities may be impounded. Animal cruelty is defined in 13 V.S.A. § 352.

**SECTION 8. ENFORCEMENT.** This is a civil ordinance and shall be enforced by the constable/health officer/police/animal control officer, or persons appointed by the Selectboard from time to time to enforce or execute the provisions of this ordinance 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/health officer, or persons appointed by the Selectboard from time to time to enforce or execute the provisions of this ordinance] 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 nuisance 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. A receipt from the Highgate Town Clerk must be presented to the impounding agency to show proof of payment of all penalties and fees. 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.

D. Impounded dogs [or wolf hybrids] will be held for a maximum of five days before a new home is found for them or they are humanely euthanized.

#### **SECTION 11. INVESTIGATION OF VICIOUS DOGS [OR WOLF HYBRIDS]**

A. When a dog or wolf-hybrid has bitten or attacked a person while the dog or wolf-hybrid is off the premises of the owner or keeper, and the person bitten or attacked, requires medical attention for the attack, such person may file a written or electronic 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 or wolf-hybrid that 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 pet or wolf-hybrid is found to have bitten or attacked 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 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 dog 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 FOR ANIMAL OWNERS (see section 3C)**

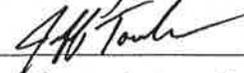
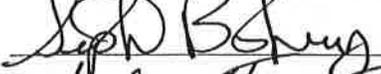
- A. First offense Impoundment & impoundment costs, plus \$25.00 full penalty
- B. Second offense Impoundment & impoundment costs, plus \$50.00 full penalty
- C. Third offense Impoundment & impoundment costs, plus \$100.00 full penalty
- D. Subsequent offenses Impoundment & impoundment costs, plus \$250.00 full penalty
- E. If impoundment is at the residence of the animal control officer. The Selectboard shall set the impoundment costs annually. Otherwise impoundment costs will be billed by the impounding agency.
- F. The owner of the dog or wolf-hybrid will be responsible for reimbursing all legal fees incurred by the Town.

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

Approved and recorded in the Highgate Town Records 2/6, 2014


Date 2/6/14

# TOWN OF HIGHGATE, VERMONT DOG CONTROL ORDINANCE AMENDMENT

On January 23, 2014, a public hearing was held pursuant to the provisions of 24 VSA, Sections 1973, on February 6, 2014, the Town of Highgate Selectboard adopted an amendment to its Dog Control Ordinance for the Town of Highgate. The adopted ordinance represents a substantial change in the document and review of the entire document is advised to understand the full impact of the changes; however a summary of the primary changes is listed below and is available for review at the Town Administrator's office at 2996 VT Rte 78 in Highgate Center, Vermont.

## AMENDMENT

### Section 3: DEFINITIONS:

A definition of the class of dog not deemed vicious but problematic for the general public.

*F. Nuisance: means a dog (or wolf hybrid) that enters public property or private property other than the owner's, where the animal performs acts that disturbs the quiet enjoyment of the individuals who own the property. These acts include but are not limited to: defecation, rummaging in personal property or garbage, unwanted presence or causes damage.*

### In Section 4: DISTURBANCES AND NUISANCES:

A protocol was developed for handling complaints.

*E. An Enforcement Officer, upon receipt of a written or electronic complaint of a person or persons disturbed, will investigate the complaint. If the complaint is deemed valid, the enforcement officer will issue a written warning to the owner of the Nuisance or Disturbance dogs (or wolf hybrid). The Enforcement Officer investigating the complaint, will document their findings and take photographs and place on file with the Highgate Town Administrator. Upon receiving a second written or electronic complaint within one year, the dog(or wolf hybrid) will be ordered chained, confined or impounded.*

### Section 5: POOPER SCOOPER:

A requirement to clean up after a dog was added.

*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.*

**The 1981 ORDINANCE RELATING TO STAFFORDSHIRE BULL TERRIER DOGS (PIT BULL DOGS)**

*This prohibition of pit bulls was eliminated from the Dog Control Ordinance.*

*Adopted by the Town of Highgate Selectboard at its regular meeting on February 6, 2014:*

Steve Bushey  
Luke Choiniere  
Andrew King  
Henry Rainville  
Jeff Towle

Wendi Dusablon Wendi Dusablon Town Clerk

This 11<sup>th</sup> Day of February, 2014

This amendment will become effective sixty (60) days after the approval of the Selectboard unless five (5) percent of the voters petition the Selectboard or the Town Clerk within forty four (44) days for a vote on the question of disapproving the amendment. Questions regarding this ordinance may be directed to the Town Administrator, Heidi Britch-Valenta, at 868-4697 x 203 or hbvalenta@comcast.net.