



Town of Highgate Dog [and Wolf Hybrid] Control Ordinance

SECTION 1. AUTHORITY.

This ordinance is adopted by the Selectboard of the Town of Highgate under authority of 20 V.S.A. §§ 3546, 3549, 24 V.S.A. §§ 2291 (10) and 2291 (14 & 15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE.

The purpose of this ordinance is to regulate the keeping of dogs [and Wolf Hybrids], to protect public health and safety, and to protect the residents' quiet enjoyment of their properties. This Ordinance supersedes all previous versions of dog and animal control ordinances AND policies in the Town of Highgate.

SECTION 3. DEFINITIONS.

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

1. *"Dog"* means any member of the canine species;
2. *"Wolf Hybrid"* means:
 - 2.1. An animal that is the progeny of a dog and a wolf (*Canis lupus* OR *Canus rufus*);
 - 2.2. An animal that is advertised or otherwise described OR represented to be a wolf hybrid; or
 - 2.3. An animal that exhibits primary physical and/or behavioral wolf characteristics.
3. *"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, water, and/or shelter to a dog [or wolf hybrid].
4. *"Running at large"* means that a dog [or wolf hybrid] is not:
 - 4.1. On a leash, cord, chain, command or otherwise;
 - 4.2. In a vehicle;
 - 4.3. On the owner's property;
 - 4.4. On the property of another person with that person's permission;
 - 4.5. Clearly under the verbal or non-verbal control of the owner; or
 - 4.6. Hunting with the owner.
5. *"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 an 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.

6. “*Nuisance*” means a dog [or wolf hybrid] that enters public OR private property other than the owners, 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.

1. No dog [or wolf hybrid] that creates a nuisance shall run at large in the town.
2. 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].
3. 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.
4. 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.
5. 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 dog/s [or wolf hybrid/s]. The Enforcement Officer investigating the complaint will document their findings, take photographs, and place it 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. WASTE REMOVAL.

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.

1. Each dog [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.
2. 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. (sect symbol) 3806 and shall be managed under the provisions of that statute.
3. License fees will be established annually by the Town of Highgate Selectboard and Town Clerk.

SECTION 7. HUMANE CARE OF DOGS [AND WOLF HYBRIDS].

All dog/s [or wolf hybrid/s] shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog [or wolf hybrid] determined by a town enforcement officer to be without such clean and safe facilities may be impounded. Animal cruelty is defined in Vermont State Statute.

SECTION 8. ENFORCEMENT.

This is a civil ordinance and shall be enforced by a town enforcement officer appointed by the Selectboard 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.

1. Any dog [or wolf hybrid] that is determined by a town enforcement officer appointed by the Selectboard to be a vicious dog [or wolf hybrid] which presents an imminent danger to people or other animals shall immediately be impounded.
2. 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.

1. The officer who impounds a dog [or wolf hybrid] shall, within 24 hours, give notice to the owner thereof, either in person, phone call, electronic message, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violation/s, the location of the animal, and the steps that are necessary to have the animal returned to the owner.
2. 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.
3. Impounded animals shall be released to the owner only after payment of all penalties, 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.
4. Impounded dog/s [or wolf hybrid/s] will be held for a maximum of five days before they are rehomed or are humanely destroyed.

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

When a dog [or wolf hybrid] has bitten or attacked a person or animal [therefore referred to as '*the victim*'] while the dog [or wolf hybrid] is off the premises of the owner or keeper, and the victim bitten or attacked requires medical attention for the attack, such person or owner of attacked animal 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/s, and any other facts that may assist the legislative body in conducting its investigation.

1. 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 or confirmed electronic notice of the time, date, and place of the hearing and the facts of the complaint.
2. If the dog [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, confined, or removed from the town entirely. The order shall be sent by certified mail, return receipt requested. Any such order shall provide the owner of the dog [or wolf hybrid] with their right to appeal the order and the procedure for filing an appeal. 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.
3. 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.

Offense Number	Impoundment Fees & Costs	Full Penalty Addition
First Offense	*As set annually or billed by agency	Plus \$100
Second Offense	*As set annually or billed by agency	Plus \$175
Third Offense	*As set annually or billed by agency	Plus \$350
Subsequent Offenses	*As set annually or billed by agency	Plus \$750

- ★ If impoundment is at the residence of the animal control officer, the Selectboard shall set the impoundment rates annually to be billed to the owner. Otherwise, impoundment costs will be billed by the impounding agency.
- ★ The owner of the dog [or wolf hybrid] will be responsible for reimbursing all legal fees incurred by the town.

