

TOWN of GRANVILLE ORDINANCE FOR DOGS AND WOLF HYBRIDS

Effective August 17, 2013

SECTION 1. AUTHORITY: This ordinance is adopted by the Selectboard of the Town of Granville, Vermont, under authority of 20 V.S.A. Chapter 191, Chapter 193, Chapter 194, 24 V.S.A Chapter 59, § 2121, § 2291, 24 V.S.A § 2291 (10) and § 2291 (14 & 15) and 20 V.S.A. §3550 (a).

SECTION 2. PURPOSE: It is the purpose of this ordinance to regulate the keeping of dogs and wolf hybrids, their running at large, and to promote the health and safety of the public as well as the peace of the community.

SECTION 3. DEFINITIONS: As used in this ordinance, the following terms shall have the respective meanings here assigned: (A) "Owner" - Any person or group of persons who own, harbor or permit any dog to be or remain in or about their buildings or property. The term includes those persons who provide food and shelter to a dog. If the dog is licensed, the legal owner is the name recorded on the town dog license. (B) "Dog" - Any domestic dog or wolf-hybrid animal.

(C) "At Large" - A dog off the property of its owner and not under restraint, or on the property of another person without that person's permission. (D) "Restraint" - A dog is restrained if it is on a leash; within a vehicle; within the owner's house; behind a fence; penned; chained; clearly under the verbal command and control of its owner; or legally hunting with its owner. (E) "Public Nuisance" - A dog that regularly roams at large, and interferes with vehicles and foot traffic. This term also applies to a dog that creates a disturbance or harms the cleanliness of others' property.

(F) "Vicious" - A dog that attacks any person or causes any person to reasonably fear attack or bodily injury, unless the person is trespassing on the property of the owner of the dog. The term shall also mean any dog that, while at large, attacks another domestic pet or livestock. (G) "Disturbance" - A dog that disturbs the quiet, comfort, and repose of others by frequent, habitual or persistent barking or howling.

(H) "Direct Control by the Owner" shall mean on a leash, in a vehicle, on the owner's property, behind a fence, penned, chained, clearly under the verbal command and control of its owner; or legally hunting with its owner. (I) "Impound" - The act of apprehending and confining an animal. An impoundment or holding facility is a designated facility for purpose of impounding animals in violation of this Ordinance.

(J) "Livestock" - refers to cattle, bison, horses, sheep, goats, swine, cervidae, ratites, and camelids; see the general control and damages by dogs, under 20 V.S.A., Part 8, Chapters, 191 & 193, Subchapter 4.

(K) "Animal Cruelty" - as defined by the State of Vermont under Chapter 8, Title 13 V.S.A. § 351 through 397 in relation to adequate shelter, food, and water supply, and the treatment of animals.

(L) "Waiver fee" - a fee that is less than the initial fine due to the pet owners acknowledging the accusation without taking the complaint before the Selectboard.

SECTION 4. LICENSE REQUIRED: It shall be the duty of every dog owner within the town to annually procure a license for any dog over the age of six months. To obtain a license, the owner shall contact the Granville Town Clerk, provide proof of current rabies vaccine from a licensed veterinarian, proof of spay/neutering by a licensed veterinarian if applicable, and pay

the associated fees. The owner shall equip the dog with a collar which carries the annual license. The deadline to license dogs in the town of Granville is April 1 each and every year.

License fees shall be as followed: \$8.00 per year for a spayed or neutered dog / \$12.00 for an intact dog or bitch.

Any person keeping two to 10 dogs for breeding purpose shall obtain a Breeding license in the town; set at \$30.00 annually.

If a dog is not licensed as stipulated above, the owner will be notified within one month either verbally or by mail by the Town Clerk or Animal Control Officer and a late fee of \$2.00 per dog for licensing will apply.

If the owner still does not license the dog, a second notice either verbally or by mail will be sent by the Animal Control Officer on or by June 1st. A late fee of \$2.00 per dog will be added onto the previous fine.

A third notice by mail will be sent on or before 1 July, with a late fee of \$10.00 added to the accumulated license fee for each dog.

If by 1 August the dog has not been licensed, the Animal Control Officer may enforce its authority to either impound such unlicensed dog at the Addison County Humane Society (or another suitable holding facility) or a civil ticket may incur at the same cost of impoundment.

A newly acquired dog or a new resident has 30 days in which to attain a local dog license.

Any domestic dog which is visiting from out of state must wear a collar or harness with the current license from its home state attached.

SECTION 5. DOGS RUNNING AT LARGE OR BEING A PUBLIC NUISANCE: No owner shall permit a dog to run at large or become a public nuisance within the town, including on any public highway, trail, or public premises, or on another person's private property.

If a complaint is received by the Granville Selectboard, the Town Constable or Town Animal Control Officer regarding any violation of Section 5, the matter will be investigated by the Animal Control Officer. If the complaint is substantiated on a first offense, the owner will be given notice by the Granville Selectboard and/or the Animal Control Officer to confine the dog to the owner's property, and to otherwise eliminate the problem.

Any dog which is the subject of a second complaint, within a 3-month period, the owner shall be subjected to a \$25.00 fine immediately payable to the Town Treasurer. If within a week's time, the fine has not been received by the Town Treasurer, the Animal Control Officer shall issue a certified letter from the Granville Selectboard for further action.

A female dog in heat shall be confined in a building or other secured enclosure, except while under the direct control of the owner.

SECTION 6 . VICIOUS DOGS: No owner shall permit a dog to become vicious.

As soon as a verbal or written complaint is received by the Granville Selectboard, the Town Constable, or the Animal Control Officer regarding any violation of Section 6, the matter will be investigated by the Town Constable, and the Town Health and Animal Control Officers. If the complaint is substantiated on a first offense, the Granville Selectboard shall send a certified letter to the owner warning that the dog must be confined to the owner's property, and the problem eliminated. or the dog will be impounded.

A dog bite on the owner's premise is subject to a private civil action, but is still a concern to the Town for health reasons, most notably, rabies, and the general welfare of the public.

Any person who has been bitten, required medical attention on otherwise harmed by a vicious dog is encouraged to file a complaint with the Granville Selectboard stating the circumstances of the incident within 48-hours of the attack.

On notice that a dog is suspected of having bitten a person, the owner shall immediately provide the Town Constable, Town Health Officer, or Animal Control Officer with proof of current rabies vaccination. Failure or inability to provide proof of vaccination shall require a 14 day confinement of the animal. It shall be unlawful for the owner to sell or give away the dog or permit it to be taken beyond the limits of the town except with permission of the Selectboard or under the care of a licensed veterinarian. Any costs of quarantine must be the responsibility of the dog owner. The owner shall not vaccinate the animal for rabies during any period of confinement or impoundment. If appropriate, the Constable or Animal Control Officer may impound the animal pursuant to the provisions of Article 9.

If the dog is a stray or unlicensed dog, the Town Constable and/or the Town Animal Control Officer will transport the dog to an animal holding facility or veterinarian where it will be observed for potential rabies. If an owner comes forward, before the dog will be released, it will need to be licensed,

the fine of no less than \$50.00 paid to the Town Treasurer, and all costs incurred during quarantine.

If any vicious or rabies-infected dog running at large cannot be safely caught and impounded, the Selectboard may order such dog to be slain by a law enforcement officer, game warden, or animal control officer. Procedures must then be followed in accordance to the Vermont Department of Health.

Any dog which is the subject of a second complaint shall be fined no less than \$100.00 payable immediately to the Town Treasurer. The dog must immediately be under house or fenced yard confinement for a 2-week period due to rabies observation. Within a week after the attack, the owner and the Town Health and Animal Control Officers will come to an agreement on how the dog will be confined/restrained within the owner's property and conveyed to the Town Selectboard. A copy of the said agreement will be sent by certified mail to the owner.

SECTION 7. HUMANE CARE OF DOGS: All dogs shall be furnished with clean and safe facilities sufficient to protect the animal and public health. Any dog determined by the Town Constable or Animal Control Officer to be without such clean and safe facilities will first, be given a warning, with proper education for the owner, and if not immediately remedied, impounded.

The state laws regarding animal neglect and abuse as set forth in Title 13 V.S.A. § 351-397 are hereby fully incorporated by this ordinance.

SECTION 8. IMPOUNDMENT: If a dog is impounded under Section 5, 6, or 7 above, written notice of such impoundment shall be given to the owner (if known) by the Granville Selectboard via certified mail soon after impoundment takes place.

The owner of a dog impounded due to a violation of Section 5 may reclaim that dog after paying all fees, costs, and fines. The owner of a dog impounded due to a violation of Section 6 may not reclaim that dog until the owner(s) have met with the Granville Selectboard to reach an agreement as to how the dog will be securely confined in the future, and after paying all fees, costs, and fines. If such agreement proves unsuccessful and the dog is found to be vicious for a third time, the dog shall be impounded by until the Selectboard decides on the dog's fate; which may include rehoming or humanely destroying the animal. The owner will be assessed all fees, costs, and fines.

If an impounded dog is unlicensed and the owner not known, the Granville Town Clerk shall notify the local radio station WDEV of the dog's description, and the dog shall be held for five days after the first broadcasting, unless claimed sooner after paying all fees, costs, and fines.

This is null and void if the town is in contract with an animal holding facility who take responsibility of the dog once in their possession; otherwise, an impounded dog will be advertised and if not reclaimed by the owner within such five day period, the dog may thereafter be given away, sold, or disposed of in a humane manner.

The officer who impounds a dog shall, within 24 hours, give notice to the owner, if known, thereof, either personally, by telephone, or written notice to 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.

Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and 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 9. IMPOUNDMENT FEES:

(A) An impoundment fee of \$35.00 for the first impoundment and the second or successive impoundments shall be \$50.00 if transferred to Addison County Humane Society or another facility outside of Granville.

(B) Any licensing fees required (C) All animal holding facility fees (D) Mileage costs and any other costs incurred (E) Impoundment fees shall be set by the Selectboard and the animal holding facility annually.

SECTION 10. FINES: A person whose dog violates this ordinance shall be fined not more than \$500.00 to be paid to the Town Treasurer. Any fines not collected within a 14-day period from the initial incident, shall incur a civil penalty from the Town Constable. A waiver fee of one half of the fine to which an owner is subject shall be assessed for these owners who admit or do not contest the ordinance. This does not pertain to licensing fees, breeding permits, animal cruelty, or impoundment fees.

(A) First offense - \$15.00/or waiver (B) Second offense within 6 months - \$25.00 full penalty / \$12.50 waiver penalty (C) Third offense within 6 months - Impoundment & impoundment costs or \$50.00 full penalty / \$25.00 waiver penalty (D) Subsequent offenses - Impoundment & impoundment costs, or \$75.00 full penalty / \$37.50 waiver penalty (E) Animal Cruelty V.S.A. §13.352(4) - fine for neglect - maximum \$500.00 / \$300.00 waiver penalty.

SECTION 11. ENFORCEMENT: This is a civil ordinance and shall be enforced by the Town Constable in the Vermont Judicial Bureau in accordance with 24 V.S.A 1974a & 1977 et seq.

SECTION 12. APPEALS: Any person aggrieved by the decision of the Town Constable or Animal Control Officer shall have the right to have their concerns reviewed by the Granville Selectboard.

SECTION 13. SEVERABILITY: If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such findings shall not invalidate any other part of this ordinance.

SECTION 14. EFFECTIVE DATE: This ordinance shall become effective 60 days after its adoption by the Town of Granville Selectboard. If a petition is filed under 24 V.S.A Section 1973, that statute shall govern the taking effect of this ordinance.