

Article 0807-4: ANIMAL CONTROL ORDINANCE

A. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Morristown 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.

B. 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.

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

“**Dog**” means any member of the canine species;

“**Wolf hybrid**” means:

1. An animal that is the progeny of a dog and a wolf;
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.

“**Owner**” means Landowner or 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].

“**Running at large**” means that a dog [or wolf hybrid] is not:

1. *on a leash within the village limits {except the Oxbow Park};*
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 in the Oxbow Park, and outer limits of the Town or*
6. hunting with the owner.

“**Vicious dog [or wolf hybrid]**”

1. 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.
2. If any dog or wolf hybrid bites, snaps at or tears the clothes in an attempt to bite any person or persons, and that fact shall be proven to the Animal Control Officer, that dog or wolf hybrid shall be deemed and declared by the Animal Control Officer to be a VICIOUS ANIMAL. Such animal shall be impounded.

3. If any dangerous, fierce, vicious or rabies infected dog or wolf hybrid running at large cannot be safely caught and impounded, such dog or wolf hybrid may be slain by the Animal Control Officer or any officer so named in this ordinance WITHOUT notice to the owner. It shall be unlawful for the owner, possessor or person harboring any dog or wolf hybrid, when notified by the Health Officer that such dog or wolf hybrid has bitten any person, to sell or give away such dog or wolf hybrid, or to permit it to be taken beyond the Town limits, except with the permission of the Health Officer. In the event of such an incident, the dog or wolf hybrid shall be confined and observed for 10 days to determine its health. At the discretion of Health Officer, confinement and observation may be carried out at the residence of the animal's owner, so long as the animal is not able to escape, bite, or exposing anyone during the 10 day period. If the health officer feels that the owner will not be able to confine the dog or wolf hybrid appropriately, the animal shall be impounded in a facility at the owner's expense.

D. DISTURBANCES AND NUISANCES.

1. No dog [or wolf hybrid] 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.

- E. SANITATION CONTROL.** 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.

F. COLLAR AND LICENSE.

1. Each dog [and/or wolf hybrid] more than six-months old 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. § 3806 and shall be managed under the provisions of that statute.

- G. 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/animal control officer/humane officer] to be without such clean and safe facilities may be impounded.

H. IMPOUNDMENT.

1. Any dog [or wolf hybrid] that is determined by a [constable/police officer/animal control officer/ humane officer] to be a vicious dog [or wolf hybrid] which presents

an imminent danger to people or other animals shall be immediately impounded in a location designated by the Town.

2. Any dog [or wolf hybrid] that is apprehended for a third or subsequent violation of any provision of this ordinance shall be impounded.

I. 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 personally 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.
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 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.
4. Upon any animal being impounded, it shall be the duty of the Animal Control Officer to notify the owner, possessor, or person who harbors or keeps the animal, if known and if not known, to post at the Town Clerk's Office a NOTICE containing a description of said animal and when and where caught. (Record 0807-4-A). If no owner or person entitled to or claiming the possession of any such animal shall claim the same within five (5) full days after such notice, the Animal Control Officer or any person duly authorized by the Board of Selectmen to do so, may at the expiration of the five (5) days from the date of the receipt or posting of the NOTICE provided for in this section, sell, give away or dispose of in an humane manner, any such animal not redeemed or claimed by anyone, taking a receipt therefore, from the purchaser or recipient thereof. DAY as used in this section shall mean "Business days".

J. CRUELTY.

Any person who shall torture, torment or cruelly neglect to provide with necessary sustenance or shelter, or shall cruelly beat, needlessly mutilate or kill or cause or procure to be tortured, tormented, beaten needlessly mutilated, killed or deprived of necessary sustenance or shelter, any dog or other animal, shall be guilty of a violation of this ordinance.

K. POISONING DOG(S) OR WOLF HYBRIDS:

Any person who shall poison any dog(s) or wolf hybrid(s) or distributes poison in any manner, whatsoever, with the intent or for the purpose of poisoning any dog(s) or wolf hybrid(s) shall be guilty of a violation of this ordinance.

- L. ENFORCEMENT.** This is a civil ordinance and shall be enforced by [the constable/ police/animal control officer/humane officer] in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq. Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per violation. The Morristown Animal Control Officer or Police Officers from the Morristown Police Department shall be

authorized to act as issuing municipal officers to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

PENALTIES AND COSTS.

1. First offense \$25 Impounding fee paid to the Animal Control Officer. An additional charge for board for each day the animal is in the pound shall be paid to the pound. Upon payment of the impounding fee and boarding charge, the Animal Control Officer will issue a receipt therefore together with an order to the Pound Keeper authorizing the release of said animal. Record #0807-4 Section F.
2. Second offense \$40 Impounding fee plus the additional charge as outlined above.
3. Third offense & subsequent offenses \$75 Impounding fee plus the additional charge as outlined above.

Impoundment costs shall be set annually by the Selectboard.

CIVIL PENALTY.

An issuing municipal official is authorized to recover civil penalties in violation of this ordinance. A civil penalty of up to \$100 may be imposed for the violation of this civil ordinance.

WAIVER FEE.

An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint. The waiver fee shall be set at \$50 for each offense.

OTHER RELIEF.

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Morristown Selectboard is authorized to commence civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.

OTHER LAWS.

This ordinance is in addition to all other Ordinances of the Town of Morristown and all applicable laws of the State of Vermont.

M. INVESTIGATION OF VICIOUS DOGS [OR WOLF HYBRIDS]

1. When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid 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.
2. 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 domestic pet or wolf-hybrid 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.

3. If the domestic pet or wolf-hybrid 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 domestic pet 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.
4. The Procedures provided in this section shall only apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the legislative body or 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.

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.

Adopted August 20, 2012
Revised February 2, 2015