

PLEASE NOTE:

Dog Licenses;

Due April 1st each year The prices are as follows:

Neutered-spayed dogs: \$4.00 plus a \$4.00 surcharge for the State.

Unneutered-unspayed dogs: \$8.00 plus a \$4.00 surcharge for the State.

A 50% penalty will be added to all dogs not registered by the due date.

At a Selectmen's meeting held on July 12th 2001, motion was made and seconded for the following:

The \$25 fee (and/or any related fees) charged by the Town Constables for visiting the premises of a dog owner will be charged to the dog owner. When dog owners are contacted the second time, the dogs will be disposed of. The Select board felt it is unfair for the Taxpayers of the Town of Westfield to have to cover the expense of enforcing the State law that all dogs be licensed by April 1st of each year.

VILLAGE OF WESTFIELD, DOG ORDINANCE
Pertaining to Keeping of Dogs and/or Wolf-Hybrids

I. AUTHORITY.

This ordinance is adopted by the selectboard of the Town of Westfield 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.

II. 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.

III. 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;
 - 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. **"Village Limits"** The Westfield Village limits are as described in the Westfield Town Plan, adopted January are: Route 100 North from the Town Garage to Route 100 South house #1465, School Street house #221 and North Hill Road to house #258.

IV. LICENSE & COLLAR REQUIRED

- A. A person who owns a dog [or wolf hybrid] within the Village of Westfield that is more than 6 months old shall cause it to be registered, numbered, described and licensed in accordance with the laws of this state. The animal shall wear a collar or harness, to which a current license tag is 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. License tags are issued by the Town Clerk. In order to have an animal registered, the owner must provide a certificate from a duly licensed veterinarian verifying that the animal has had pre-exposure rabies vaccine as required by 20 V.S.A. 3581 (d). A person who keeps a dog contrary to license provisions of this article shall be guilty of a misdemeanor.
- C. 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. Unlicensed dogs found within the Village of Westfield may be destroyed, except as exempted by section 3587, Title 20.

V. LICENSE FEES

License fees are due April 1st of each year. The current license fee for each dog [or wolf hybrid] can be obtained from the Town Clerk.

VI. DISTURBANCES AND NUISANCES.

- A. No dog [or wolf hybrid] 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. 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. Any owner of a dog who fails to control said dog [or wolf hybrid] pursuant to the provisions of this ordinance may be liable for the fines and penalties prescribed herein.
- G. Stray dogs will be held for 3 days. At the end of 3 days they will be turned over to the Humane Society.

VII. 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. A signed written complaint to an alleged violation of this ordinance shall be submitted to the Town Selectboard and or Constable whereon said person(s) shall investigate the complaint, and if such complaint is substantiated take appropriate action in accordance with the provisions here in.

VIII. PENALTIES AND COSTS.

Upon a violation of the ordinance, the Constable or designee of the Town of Westfield shall issue to the known owner of said dog a written notice of the violation of this ordinance, by certified mail.

- A. First offense Written warning notice. Such notice shall consist of a warning that a subsequent violation of any section hereof shall make the owner liable for the penalties herein prescribed including possible fines and impoundment of the animal.
- B. Second offense \$25.00 full penalty/\$15.00 waiver penalty.
- C. Third offense Impoundment & impoundment costs, plus \$50.00 full penalty/\$35.00 waiver penalty
- D. Subsequent offenses Impoundment & impoundment costs, plus \$100.00 full penalty/\$75.00 waiver penalty (*the waiver penalty applies when an alleged violator pays the fine without contesting the violation*).
- E. Impoundment costs shall be set annually by the selectboard.

All penalties shall be paid within 72 hours at the Town Clerk’s office. In the event that such penalty is not paid within the period prescribed, the owner of the dog shall be

subject to a court citation, and upon conviction shall be fined not less than \$25.00 or more than \$100.00.

IX. UNSUBSTANTIATED COMPLAINTS

If after investigation, a complaint is found to be unsubstantiated, the complainant shall be liable for penalties prescribed herein.

X. VICIOUS DOGS

Upon a signed complaint submitted to the Town Select board and Constable that a dog [or wolf hybrid], without provocation, attacks, bites, places in fear of being attacked or bitten, or menaces or threatens humans or domestic animals, the Town Select board and Constable shall, if the complaint is sustained, find the dog [or wolf hybrid] to be vicious. The Constable may make an order that will require that the dog [or wolf hybrid] be muzzled, chained, confined or relocated, and in severe cases this order may include that the animal be disposed of in a humane manner. Notice of this order shall be sent by certified mail, with return receipt requested, to the owner of the dog [or wolf hybrid] at the last known address.

XI. APPEAL

An owner of said dog [or wolf hybrid] may appeal any impoundment order upon written notice to the Selectboard within ten (10) days of said impoundment or order at which time the Selectboard will set a hearing date.

XII. 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.

Restraining, shelter and care of animals shall be done in accordance with Title 13, Part 1, 365 (c), (d), and (e) of the VSA as follows:

- A. A dog [or wolf hybrid], whether chained or penned, shall be provided living space no less than three feet by four feet for 25 pound dogs, four feet by four feet for 35 pound dogs and four feet by five feet for 50 pound and larger dogs.
- B. A dog [or wolf hybrid] maintained out-of-doors must be provided with suitable housing that assures that the animal is protected from wind and draft, and from excessive sun, rain and other environmental hazards throughout the year. An animal chained to a shelter must be on a tether chain at least twice the length of the animal.
- C. Notwithstanding the provisions of this section, animals may be temporarily confined in spaces sufficient for them to stand and turn about freely, provided that they are exercised in accordance with accepted agricultural or veterinarian practices, and are provided sufficient food, water, shelter and proper ventilation.

XIII. CRUELTY

Any person who shall torture, torment or cruelly neglect to provide with necessary sustenance or shelter, or who shall cruelly beat, mutilate or kill or cause or procure to be tortured, tormented, beaten, mutilated, killed or deprived of necessary sustenance or

shelter any dog [or wolf hybrid] or other animal, shall be guilty of a misdemeanor. 13 V.S.A. Chapter 8, Subchapter 1, section 352-353.

XIV. DOGS PURSUING DEER

Pursuant to Title 10, section 4748, VSA as amended:

- A. Dogs that will hunt or pursue deer shall not be permitted by the owner or keeper thereof to run at large, unaccompanied by said owner or keeper.
- B. A state game warden, deputy warden, sheriff, deputy sheriff, constable, or police officer may kill by shooting with firearms dogs [or wolf hybrids], whether licensed or unlicensed when in such close pursuit as to endanger the life of a deer or found in the act of wounding, maiming or killing deer. Provision of this section shall be subject to limitations set forth in Title 10, section 4710, VSA.
- C. When a licensed dog [or wolf hybrid] is killed pursuant to subsection (b) above, the game warden, deputy warden, sheriff, deputy sheriff, constable, police officer of state police shall forthwith report the same to the owner of said licensed dog [or wolf hybrid].
- D. No person shall have a cause of action against any of the designated wardens, sheriff, deputy sheriff, constable, police officer or state police exercising the authority herein granted.

XV. OTHER LAWS.

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

XVI. 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.

XVII. EFFECTIVE DATE.

This ordinance shall become effective 60 days after its adoption by the Town of Westfield Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adoption History

1. Agenda item at regular selectboard meeting held on **November 14, 2011** .
2. Read and approved at regular selectboard meeting on **December 12, 2011** and entered in the minutes of that meeting which were approved on **December 12, 2011** .
3. Posted in public places on **November 16, 2011** .
4. Notice of adoption published in the **Newport Daily** newspaper on **November 22, 2011** with a notice of the right to petition.
5. Other actions [petitions, etc.]