

Town of Calais

Ordinance for Managing Dogs

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Calais under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to ensure the public health, safety, and welfare of the citizens of Calais, and preserve the quiet enjoyment of their property by regulating how dogs and wolf-hybrids are managed.

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. For purposes of this ordinance, this term, wherever used, shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.
- B. "Domestic animal" means those animals defined in 6 V.S.A. § 1151(2).
- C. "Domestic pet" or "pet" means any domestic dog, domestic cat, or ferret.
- D. "Enforcement Officer" means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard.
- E. "Impoundment" means being held by the Town at a place designated by the Selectboard. Such a place may or may not be operated by the Town and may or may not be within Town limits.
- F. "Owner" means any person who has actual or temporary possession of a dog. The term also includes those persons who provide food and shelter to a dog on behalf of the owner. These rules apply to both the owner who owns the dog and any agent they hire to help care for the dog. Only the owner will be responsible for any penalties.
- G. "Agent" means any person hired by or acting on behalf of the owner to care for or manage the dog.
- H. "Potentially vicious dog" means a dog running at large that chases, threatens to attack or attacks a person, another domestic pet or domestic animal; causes damage to personal property; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.
- I. "Running at large" means that a dog is not:
 - 1. Under the control of the owner or of an agent hired by the owner to be with the dog; such control may be verbal or leashed.
 - 2. In a vehicle;
 - 3. On the owner's premises;
 - 4. On the premises of another person with that person's permission;
 - 5. Hunting with the owner.
- J. "Vicious dog" means a dog that has bitten a person while the dog is off the premises of its owner or agent, or on the premises of its owner or agent if the person bitten was on the premises with owner/agent permission, and the person bitten requires medical attention for the attack. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.
- K. "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.
- L. "Working farm dog" means a dog that:

1. is bred or trained to herd or protect livestock or poultry or to protect crops; and
2. is used for those purposes; and
3. is registered as a working farm dog pursuant to State law.

SECTION 4. NUISANCES.

A. Prohibitions. An owner or agent of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

Nuisance One: Running at large

A dog running at large in the Town with or without a collar or harness that has a current license and/or valid rabies tags.

Nuisance Two: Failure to remove waste

An owner, or agent, who does not immediately remove and dispose in a sanitary manner fecal material of a dog that has defecated in an area populated by the public or on the private premises of another person.

Nuisance Three: Unconfined dog in heat

An unaltered adult dog not confined to a building or other secured enclosure, except while under the direct control of the owner or agent.

Nuisance Four: Disturbing the peace

A dog that disturbs the quiet, comfort, peace and repose of others by habitually barking, whining, calling, or howling for a continuous period of thirty (30) minutes or more.

Nuisance Five: Potentially vicious dog

A dog that while running at large: chases a person; causes any person to reasonably fear attack or bodily injury from such dog; or chases, threatens to attack or attacks another domestic pet or domestic animal. This shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

B. Exemptions for Working Dogs

The provisions of this section pertaining to running at large and disturbing the quiet, comfort and repose of others shall not apply to working farm dogs if the working dog is:

1. barking to herd or protect livestock or poultry or to protect crops; or
2. running at large to herd or protect livestock or poultry or to protect crops.

SECTION 5. COLLAR AND LICENSE. Each dog shall be licensed according to the laws of this State and shall wear a collar or harness with the current license attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog that is found without a collar or harness and current license may be immediately impounded. Owners whose dog(s) are not registered (licensed) will be subject to the fine as listed under Section 7(F), Penalties.

SECTION 6. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Washington County Superior Court, at the election of the Calais Selectboard.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any enforcement officer authorized by Selectboard (e.g., the constable, animal control officer, or Selectboard member) shall have authority to issue tickets and represent the Town at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Calais may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND COSTS.

- A. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation.

Nuisances One through Four: Running at large, Failure to remove waste, Unconfined dog in heat, or Disturbing the Peace

First Offense:	warning or \$50.00 fine	Waiver fee:	\$25.00
Second Offense:	\$250.00 fine	Waiver fee:	\$125.00
Third Offense:	Impoundment and/or \$500.00 fine	Waiver fee:	\$250.00
	Impoundment costs, any remedial action as required by the enforcement officer are in addition to the fine.		
Subsequent offenses:	Impoundment and/or \$500.00 fine	Waiver fee:	\$300.00
	Impoundment costs, any remedial action as required by the enforcement officer are in addition to the fine.		

Nuisance Five (5) Potentially vicious dog

First Offense:	warning or impoundment and/or \$100.00 fine	Waiver fee:	\$50.00
Second Offense:	Impoundment and/or \$300.00 fine	Waiver fee:	\$150.00
Third Offense:	Impoundment and/or \$500.00 fine	Waiver fee:	\$250.00

B. Determining Sequence of Offenses

1. Nuisances 1-4: To determine the sequence of offenses, second and third offenses shall include any Nuisances 1-4 that occur within the 12-month period of the anniversary day of the first offense. Any offense occurring after this 12-month period shall be considered a new first offense.
2. Nuisance 5: For violations of Nuisance Five, potentially vicious dog, second and third offenses shall include any further violations that occur within a 36-month period of the date of the first offense. Any offense occurring after this 36-month period shall be considered a new first offense.

C. Any owner whose dog has been impounded for its initial third offense may be required to provide the Selectboard with proof of satisfactory completion of a responsible dog owner training course pre-approved by the Selectboard within 6 months of the anniversary date of impoundment. Failure to provide such certification may result in forfeiture of the offending animal.

D. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.

E. Impoundment costs and pre-approved responsible owner training programs shall be set at the discretion of the Selectboard.

F. In accordance with Vermont Statute Title 20 § 3581 all dogs and wolf-hybrids must be licensed annually on or before April 1. Failure to register a dog or wolf-hybrid will result in a \$100.00 fine and shall be payable to the Town of Calais.

SECTION 8. IMPOUNDMENT.

- A. **Grounds for impoundment.** Any dog may be immediately impounded if the dog:
1. Has been determined by an enforcement officer to be a "potentially vicious dog" which presents an imminent danger to people or other animals
 2. Has reportedly bitten a person off or on the premises of its owner;
 3. Has an unknown rabies vaccination history or is suspected of having been exposed to rabies; or
 4. Is running at large.
- B. **Notice of Impoundment.** The officer who impounds a dog shall, within twenty-four (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 dog and the necessary steps to have it returned to the owner.

If the owner of the dog is unknown, the officer who impounds a dog shall, within twenty-four (24) hours of impoundment, post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) calendar day period. The public notice shall include a description of the dog, including any significant marks of identification, and when and where it was impounded or found by the person placing the dog in the town's custody. The public notice must also declare that, unless the owner 1) claims the dog, 2) pays all expenses incurred by the town for treatment, boarding and care of the dog, and any applicable penalties, and 3) takes all necessary remedial action within ten (10) calendar days following posting, the town may place the dog in an adoptive home or transfer it to a humane society or rescue organization. If the dog cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

- C. **Release from Impoundment.** Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including but not limited to boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license, and verification of certification of current vaccination against rabies.

If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization, or other means as determined appropriate by the Selectboard. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment and any expenses associated with its transfer or other means as determined appropriate by the Selectboard.

- D. **Rabies Suspect.** The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the rules of the Vermont Department of Health.

SECTION 9. INVESTIGATION OF VICIOUS DOGS.

- A. **Complaint.** When a dog has bitten a person while the dog is off the premises of its owner or agent, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard 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 Selectboard in conducting its investigation.
- B. **Investigation and Hearing.** The Selectboard, within seven (7) calendar days from receipt of the complaint or at its next regularly scheduled meeting whichever comes first, shall investigate the charges and hold a hearing on the matter. If the owner of the dog 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 a copy of the complaint.

- C. **Protective Order.** If, after a hearing on the matter, the dog is found to have bitten the victim without provocation, the Selectboard 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 is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties of up to \$500 provided in 20 V.S.A. § 3550.
- D. **Rabies suspect.** The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Selectboard or a municipal official designated by the Selectboard determines that the dog is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the Vermont Department of Health shall apply. If the dog is deemed healthy, the terms and conditions set forth in the Selectboard’s order shall be enforced.

SECTION 10: INVESTIGATION OF POTENTIALLY VICIOUS DOGS

A person claiming a dog is a “potentially vicious dog” may file a written complaint with the Selectboard. The complaint shall contain the time, date and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the Selectboard in conducting its hearing. Upon receipt of a “potentially vicious dog” complaint the Selectboard shall proceed as in the case of a “vicious dog” complaint using the process outlined in Section 9, above, with the exception that if the Selectboard determines that the behavior classifies the dog as “potentially vicious” the Selectboard may order any protective measures be taken absent the dog being humanely destroyed.

SECTION 11. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Calais and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. 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 13. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Calais Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this _____ day of _____, 20__

SELECTBOARD SIGNATURES:

