TOWN OF DOVER

AN ORDINANCE FOR THE CARE AND CONTROL OF ANIMALS

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AN ORDINANCE FOR THE CARE AND CONTROL OF ANIMALS

The Select Board of the Town of Dover hereby ordains:

The **Town of Dover Dog Ordinance** adopted September 15, 1992 and amended December 7, 1999, is amended so that the ordinance shall now read in its entirety as follows:

Section 1: AUTHORITY

This Ordinance is enacted pursuant to 24 V.S.A. §2291 (10), (14) and (15) and 20 V.S.A. §3549 and is promulgated in order to protect the health, safety and welfare of the citizens of the Town of Dover and others by regulating the keeping of domestic animals and wolf hybrids.

The Select Board shall annually appoint an animal control officer or other appropriate official to enforce this ordinance.

Section 2: DEFINITIONS

As used in this Ordinance, unless the context otherwise indicates:

Dog shall mean an animal, either male or female, which is the progeny or descendant of the species *canisfamiliaris.*

Cat shall mean an animal, either male or female, which is the progeny or descendant of the species *felis catus or felis domestica.*

Enforcement Official/Animal Control Officer shall mean any Police Officer, Constable, Road Commissioner, or Pound Keeper. These terms shall also include any other individual specifically designated by the Select Board to enforce the provisions of this Ordinance from time to time.

Pound Keeper shall mean a person designated from time to time by the Select Board of the Town of Dover, to keep and/or humanely destroy domestic pets and wolf-hybrids determined by the Enforcement Officer to have violated any provisions of this ordinance.

Ferret shall mean an animal, either male or female, which is the progeny or descendent of the species *mustela putorious furo.*

Domestic Pet shall mean any dog, cat or ferret. This term shall also include such other domestic animals as the Commissioner of the Department of Agriculture, Food and Markets shall establish by rule from time to time.

Select Board shall mean the legislative body of the Town of Dover as it may be constituted from time to time.

Wolf-Hybrid shall mean an animal which is the progeny or descendant of a domestic dog *(canisfamiliaris)* and a *wolf (canis lupus or canis rufus). Wolf-Hybrid* also means an animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its owner or keeper or an animal which exhibits primary physical and behavioral wolf characteristics (as defined by the Vermont Department of Fish & Wildlife).

Owner or Keeper shall mean any person, or persons, firm, association or corporation owning, keeping or harboring any domestic pet or wolf-hybrid, and includes any person who has actual or constructive possession of a domestic pet or wolf hybrid. The term shall also include those persons who provide feed and shelter to a domestic pet or wolf-hybrid. However, it is not the intent of the Select Board to require a person to be responsible under this Ordinance for feral animals that take up residence in a building other than a person's home, even if the person occasionally provides feed to the animal(s).

At Large shall mean a dog or wolf-hybrid that is off the premises of the owner or keeper, and not under the control of the owner or keeper, a member of his or her immediate family, or an agent of the owner, either by leash, cord, chain or other reasonable means of control, and not lawfully engaged in hunting with the owner or keeper, so that at all times the dog or wolf-hybrid can be prevented from causing damage, disturbance or annoyance.

Excessive Noise shall mean any noise that is created by a domestic pet or wolf- hybrid, audible to an individual in a location where he or she is lawfully pemlitted to be, that is of such volume, duration or frequency that a reasonable person would find it disturbing or irritating.

Vicious Domestic Pet or Wolf- Hybrid shall mean a domestic pet or wolf-hybrid which causes any person to suffer or reasonably fear bodily injury by attacking or threaten of attack, except that a domestic pet or wolf-hybrid shall not be deemed "vicious" as the result of an attack or threat upon a person in the act of trespassing upon the private property of the owner or keeper of the domestic pet or wolf-hybrid.

Appropriate Complaint shall be deemed to have been made under this ordinance when a person gives the Select Board or other Enforcement Official a full description of the domestic pet or wolf-hybrid, including breed, size, color and other distinguishing features, which description must be sufficient for a proper identification. The person who makes such complaint shall do so on a form supplied by the Town of Dover setting forth his or her name, address, phone number, a description of the domestic pet or wolf-hybrid and the circumstances under which the domestic pet or wolf-hybrid was believed to be in violation of this Ordinance.

Nuisance animal means any domestic pet or wolf-hybrid that:

Makes excessive noise
Causes damage to public or private property
Scatters refuge
Molests or threatens passers-by or passing vehicles on public roads or property
Acts viciously toward persons or attacks other animals
Obstructs traffic
Is unlicensed in violation of 20 V.S.A. §3581
Is running at large (as defined here), or
Otherwise acts to create a nuisance or disturbance

Service animal shall mean an animal used to assist a physically challenged person or an animal used to assist public safety personnel.

Section 3: RUNNING AT LARGE

No owner or keeper shall permit a dog or wolf-hybrid owned by him/her or under his/her keeping or control to run at large. The owner or keeper of a dog or wolf-hybrid shall not allow the animal to enter or remain on the property of others, including lawns, gardens, yards, schoolyards, parks and/or playgrounds at any time or in any manner in which it would be unlawful for the owner to so enter or remain, nor shall he/she allow the animal to enter any public building or lands unless the animal is a necessary service animal.

Section 4: DISTURBANCES AND NUISANCES

The owner or keeper of a domestic pet or wolf-hybrid shall not allow the domestic pet or wolf-hybrid to be a nuisance animal.

Animals kept as livestock in accepted agricultural practice, as defined by the

commissioner of forests, parks and recreation from time to time shall not be deemed nuisance animals under this Ordinance, or otherwise be subject to regulation hereunder.

Section 5: IMPOUNDMENT

Any Enforcement Official may apprehend and impound any domestic pet or wolf-hybrid found in violation of any provision of this Ordinance. Such impoundment shall occur in an animal shelter or other appropriate place designated by the Select Board. Any nuisance animal may not be released until all fines and an impoundment fee, as specified in Section 8, below, are paid and a certification of rabies vaccination and any necessary licenses for the current year are shown. In the event that proof of licenses and rabies vaccination can not be obtained, the animal may be released with the issuance of a Vermont Municipal Violation Complaint to the owner with the understanding that if within ten (10) days, proof of licensure is achieved, the Vermont Municipal Violation Complaint will be voided. The owner of the domestic pet or wolf-hybrid shall, in addition, be responsible for any and all fees charged by the Pound Keeper or other person designated by the Select Board for the care of the animal while impounded.

Section 6: NOTICE OF VIOLATION FOLLOWING IMPOUNDMENT

Upon apprehending and impounding a nuisance animal, the enforcement official shall issue a notice of violation, which shall be delivered in person or mailed to the owner of the animal by certified mail. The notice of violation shall include:

A brief description of the alleged violation.
A statement that the owner has a right to a hearing before the Select Board and a statement that failure to request a hearing within 10 days of the date of mailing of the notice shall constitute a waiver of the right to a hearing. A statement of charges and fines due if the Select Board finds that the nuisance animal has violated this Ordinance or if the owner does not request a hearing.

If the owner of the nuisance animal is unknown, written notice shall be posted for at least three days in conspicuous places in the Town (the Dover Town Offices and Dover Post Offices).

Section 7: SELECT BOARD HEARING FOLLOWING IMPOUNDMENT

A person who receives a notice of violation shall be provided a hearing before the Select Board if the person submits a written request for a hearing to the Town Clerk

within 10 days of the date of mailing of the notice of violation. If the owner does not request a hearing in a timely fashion, the owner shall be obligated to pay all charges and fines due under this Ordinance. If the owner does timely request a hearing, the Select Board shall render its decision in writing within 10 days of the date the hearing is concluded.

Section 8: IMPOUNDMENT FEES

Any domestic nuisance animal impounded under the provisions of this Ordinance shall be released only on payment of the impoundment fee as shown on the Town of Dover Schedule of Fees and Fines for the Care and Control of Animals.

In addition to the impoundment fee charged herein, there shall be a boarding charge per day or fraction thereof during which the domestic pet or wolf-hybrid is impounded as shown on the Town of Dover Schedule of Fees and Fines for the Care and Control of Animals.

Section 9: ANIMAL BITES

Any dog or wolf-hybrid which is considered a rabies suspect shall be managed in accordance with the rules of the Vermont Department of Health. The owner of an animal suspected of having rabies shall reimburse the Town of Dover for any and all costs incurred in conjunction with the impoundment, evaluation, care and/or disposition of the subject animal.

Section 10: DISPOSITION OF UNCLAIMED DOGS

If after ten (10) days of impoundment, the owner of any dog cannot be found, the dog may be given to the Humane Society or an individual for adoption or destroyed in a humane way. If the owner of any dog is known, and he/she does not reclaim the dog, the dog may be given to the Humane Society or an individual or destroyed in a humane way and the owner of the dog will be liable for any and all fees involved. At the discretion of the Select Board, the town shall pay toward the neutering/spaying of an adopted dog an amount not to exceed the cost of euthanasia. The Select Board may choose to collect any and all fees involved in the impounding of a dog by a civil action against the owner.

Section 11: ENFORCEMENT BEFORE THE JUDICIAL BUREAU

Any person who owns a dog that violates any provision of this Ordinance may be subject to a civil penalty as shown on the Town of Dover Schedule of Fees and Fines for the Care and Control of Animals for each day that such violation

continues. Any Enforcement Official may, in lieu of apprehending a dog found at large issue a Vermont Municipal Violation Complaint for any dog found to have violated any provision of this Ordinance.

Section 12: CIVIL PENALTY AND WAIVER FEE

Offenses shall be counted on a calendar year basis. See Town of Dover Schedule of Fees and Fines for the Care and Control of Animals.

Section 13: RIGHT TO CIVIL ENFORCEMENT

In addition to the enforcement procedures available before the Judicial Bureau, the Town is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Section 14: SEVERABILITY

If any part or provision of this Ordinance shall be deemed invalid by a court of competent jurisdiction, that portion of the Ordinance shall be severable, and the invalidity of said part or provision shall not invalidate any other part or provision of the Ordinance.

Dated and adopted this _____ day of _____, 2016 at State of Vermont, County of Windham and Town of Dover.

_____
Randall Terk, Chair

_____
Victoria Capitani, Vice Chair

_____
Linda Holland

_____
Thomas Baltrus

_____
Joseph Mahon

Town of Dover
Schedule of Fees and Fines for the Care and Control of Animals

Fees shall be as follows:

Impoundment Fee	$35.00
Boarding Fee	$15.00 per day and any fraction of a day

Fines for violations of the ordinance shall be as follows:

Nuisance Animal

1st offense	$50.00 Civil Penalty/$25.00 Waiver Fee
2nd offense	$100.00 Civil Penalty/ $50.00 Waiver Fee
3rd offense	$150.00 Civil Penalty/$75.00 Waiver Fee
4th and subsequent offenses	$200.00 Civil Penalty/$100.00 Waiver Fee

Adopted by the Selectboard of the Town of Dover this _____ day of _____, 2016.

_____
Randall Terk, Chair

_____
Victoria Capitani, Vice Chair

_____
Linda Holland

_____
Thomas Baltrus

_____
Joseph Mahon

TOWN OF DOVER
ORDINANCE FOR THE CARE AND CONTROL OF ANIMALS

NOTICE OF VIOLATION

Pursuant to Section 6: Notice of Violation Following Impoundment of the Town of Dover Ordinance For The Care And Control Of Animals, you are being issued the following notice of violation:

Date: _____ Location: _____

Dog Breed: _____ Sex: _____ Name: _____

Size: _____ Color(s): _____ Tag Info (year, #, Town): _____

Other Distinguishing Features: _____

Owner Name: _____ Telephone: _____

Address: _____

Date Owner Notified: _____ Time: _____

Date & Time Impounded: _____ Date & Time Picked Up: _____

Impound Facility: _____ Description of Violation: _____

_____

Fees: $_____ Case #: _____

Impoundment Fee $35.00
Boarding Fee $15.00 per day & any fraction of a day
(A separate Vermont Municipal Violation Complaint may be issued for Ordinance Violations)

Pursuant to Section 7: Select Board Hearing Following Impoundment of said Ordinance: You may request a hearing to contest the above fees by submitting a written request for a hearing to the Dover Town Clerk within ten (10) days of the receipt of this notice of violation. Please refer to the Ordinance for more information.