

TOWN OF BELVIDERE
DOG CONTROL ORDINANCE
ADOPTED: May 6, 2004

PREAMBLE: The Selectboard of the Town of Belvidere, being mindful of the fact that there are numerous dogs running at large in the Town of Belvidere and that these dogs represent not only a danger to young children and that other aspects of dog behavior are a source of annoyance and concern to many citizens, hereby declare that it is in the best interest of the health and safety of all citizens that the keeping of dogs within the Town limits be controlled as hereinafter set forth.

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A § 1974 (a) and § 1977 et seq.

WHEREFORE: The Town of Belvidere, pursuant to title 20 V.S.A. § 3549; 24 V.S.A. § 2291 (10), (15) and (21) hereby ordains:

1. **DEFINITIONS:** As used in this ordinance the following words or phrases have the following meanings:

“DOG” shall mean both male and female members of (*canis familiaris*).

“OWNER” shall mean any adult, owning, keeping or harboring of a dog, wolf, or wolf-dog hybrid.

“RUNNING AT LARGE” shall include any activity of a dog when such dog is (1) off the premises of the owner and (2) not under control of the owner or another person either by leash, cord, chain or other similar means of restraint. Nothing in this ordinance shall be construed to require the leashing of the dog while on the property of another by permission or to restrict the use of dogs for lawful hunting.

“VICIOUS DOG” shall mean any dog which bites or snaps at any person while off its owner’s property or tears at the clothes of any person in an attempt to bite any person, or at the Selectboard’s discretion any dog which bites, threatens, or harms other domestic animals.

“TOWN POUND” shall mean a pound designated by the Selectboard, whether or not operated by the Town and whether or not within the Town limits.

“OFFICER” shall mean any State Police Officer, Deputy Sheriff, Pound Keeper or any other person appointed “Dog Officer” by the Selectboard.

2. LICENSE REQUIRED

- a. The owner of any dog whose dog is kept within the town and is more than six months old shall cause it to be registered, numbered, described and licenses in accordance with the provisions of Title 20 Chapter 193 of the Vermont Statutes Annotated, as the same are now in effect or may be amended from time to time. No person shall refuse to exhibit the license of his or her dog or a receipt therefore to any officer when requested to do so.
- b. A license fee surcharge of up to \$10.00 as designated by the Selectboard may be added to each license fee as permitted under Title 20 § (c) V.S.A. for funding the Town's animal and rabies control program.

3. **COLLOR REQUIRED:** An owner or a person otherwise in control of a dog within the Town limits shall be responsible to ensure that a collar or harness is fastened securely on such dog that there is attached to the same the license tag issued by the Town and rabies tag issued by the veterinarian.

4. **FAILURE TO LICENSE:** A person who keeps a dog contrary to the license and collar provisions of this ordinance shall be guilty of a misdemeanor. All unlicensed dogs found within the limits of the Town shall be impounded.

5. **RUNNING AT LARGE PROHIBITED:** It shall be unlawful for any owner or person controlling the dog to permit the dog to run or be at large within the Town.

6. BARKING PRHIBITED:

- a. No person shall keep or harbor a dog which howls or barks in violation of this ordinance.
 - i. It shall constitute a violation of this ordinance if the howling or barking occurs continually and is audible beyond the property line of the premises on which the dog is located:
 1. For more than five minutes between the hours of 10:00 pm and 8:00 am; or
 2. For more than 15 minutes between the hours of 8:00 am and 10:00 pm; or
 3. For a shorter duration than cited above, but on more than five occasions within a given ten-day period if attested to by complainants from two or more separate properties.
 4. It shall be a defense to such violation if the owner of the dog proves by a preponderance of the evidence that the only reason the dog was howling or barking was that the dog was being provoked by a person or was otherwise being incited, or was acting as a guide dog, hearing dog, or police work dog.

7. IMPOUNDING OF DOGS:

- a. It shall be the duty of any officer to apprehend any dog running at large and to impound such dog in the Town Pound.
- b. Upon the impounding of any dog the officer shall make a record of the breed, color, and sex of such dog, where the dog was caught and whether is was licensed. The record of the impounding officer shall be filed at the Town Clerk's Office.
- c. If the dog is licensed, the impounding officer shall, within twenty-four (24) hours, give notice to the owner or person having care of such dog, either personally or by written notice left at the owner's dwelling of the impoundment of such dog.

The notice shall require that the town post an advertisement in the Town Clerk's Office which shall describe the dog, state when and where the dog was impounded, and declare that unless the owner or person entitled to possession of the dog shall claim the same and pay all charges as hereinbelow set forth within seven days after the posting of such notice, the dog officer shall sell the dog, give the dog away or dispose of in a humane manner.

- d. Any person finding a dog upon his property to his injury or annoyance may either remove the same to the Town Pound or hold same in his possession, giving immediate notice to the Town Clerk and dog officer that he is holding such dog, and giving description of the dog as well as the name of the owner, if known.

8. REDEMPTION OF IMPOUNDED DOGS: The owner of any impounded dog, or his agent carrying written authority, may reclaim such dog upon payment of the fees and charges hereinbelow set forth. It shall be the duty of the dog officer to collect all fees and charges before releasing an impounded dog.

Boarding charges shall be charged by the kennel to which the dogs are taken, including any after hour fees. Also, a \$30.00 pick up fee will be charged and any increase in that fee to be approved by the Selectboard.

- A. First offense impounded dog: \$25.00
- B. Second Offense impounded dog: \$40.00
- C. Subsequent offenses impounded dog: \$50.00

All of the above withstanding, if any impounded dog is unlicensed, in addition to the fees and charges hereinabove set forth, the dog officer shall not release any impounded dog until a license has been obtained as required by paragraph two of this ordinance.

9. **VICIOUS DOGS:** Upon written or oral complaint of any person the Selectboard shall determine whether or not a particular dog complained of is a vicious dog as hereinabove defined. In the event that the Selectboard determines any dog to be vicious, the Selectboard may order that the dog be muzzled at all times with a muzzle of sufficient strength to prevent the dog from biting any person. The Selectboard may also order the dog restrained, kenneled or destroy.

If a dog has acted in a particularly vicious manner the Selectboard may order the dog impounded until the disposition of the case has been settled. The impound fee and all other costs associated with the impoundment will be the responsibility of the owner of the animal. The Selectboard will schedule a hearing within seven (7) days.

If the dog has been declared vicious by the Selectboard, the Board may publish that information in the local newspaper or record to alert the Town residents to the potential danger posed by a particular animal.

Any dog which has been declared vicious by a Selectboard member of the Town and which is subsequently found unmuzzled and running at large shall be seized and ordered destroyed under V.S.A. Title 20 § 3545, 3624 and 3745. If any dangerous or rabid dog is found running at large and cannot safely be caught and acknowledged, such dog may be slain by any officer. It shall be unlawful for the owner or person having custody of any dog, after receipt of notice by an officer that the dog has bitten any person, to sell or give away such dog, or permit it to be taken beyond the limits of the town without having first obtained permission of the Selectboard.

10. **PROHIBITION OF DOGS IN CEMETERIES:** No owner or person in control of any dog shall allow the same to enter any cemetery located within the town, whether or not such dog may be on a leash or under other restraint or control.
11. **CRUELTY TO DOGS:** No owner shall fail to provide his dog or dogs with necessary sustenance or shelter. No person shall torture, cruelly beat, or otherwise torment any dog. No person shall poison any dog or distribute poison in any manner whatsoever, with the intent or for the purpose of poisoning any dog or dogs. Any person violating any of the above provisions of this ordinance shall be guilty of a misdemeanor.
12. **WOLF AND WOLF DOG HYBRID:** "Wolf-hybrid" means an animal which is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *canis refus*). "Wolf-hybrid" also means an animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its owner or an animal which exhibits primary physical and behavioral wolf characteristics. The Commissioner of the Department of Fish and Wildlife shall adopt a rule describing primary physical and behavioral wolf characteristics.

- A. License application forms – see attachment “A”
- B. Requirements for containment – see attachment “B”

13. **PENALTIES:** Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$100.00 per violation. The Belvidere Animal Control Officer, a Constable, Grand Juror or designee of the legislative body shall be authorized to act as issuing municipal officer to issue and pursue before the traffic and Municipal Ordinance Bureau a municipal complaint.

An issuing municipal official or town attorney is authorized to recover civil penalties in violation of this ordinance. A civil penalty of up to \$100.00 may be imposed for the violation of this civil ordinance.

An issuing municipal official or town attorney 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 \$50.00 for each offense.

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

14. **SEVERABILITY:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

15. **APPLICABILITY:** Either the Belvidere Dog Control Ordinance or V.S.A. Title 20 Chapter 193, which ever is stricter, shall apply to the regulation of dogs. The Belvidere Dog Control Ordinance Adopted 28 July 1999 shall be of no further force and effect once this ordinance is effective.

Robert Granger

Bill Samal

Hugh Tallman

Selectmen – Town of Belvidere