

**TOWN OF MIDDLESEX
DOG AND WOLF-HYBRID ORDINANCE**

SECTION 1. AUTHORITY. This ordinance is adopted by the Select Board of the Town of Middlesex 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. It is the purpose of this ordinance to regulate the keeping of dogs [and wolf hybrids] and to provide for their leashing, muzzling, restraint, impoundment and destruction and their running at large, so as to protect the public health and safety of the Town and the quiet enjoyment of its residents' homes and properties.

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. "Enforcement Officer" means any Animal Control Officer, or any other person designated as an Enforcement Officer, by the Select Board.
- C. "Owner" means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
- D. "Vicious dog" means a domestic pet or wolf-hybrid who 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, as defined in 20 V.S.A. §3546 (a).
- E. "Running at large" means that a dog is not:
 - 1. on a leash;
 - 2. in a vehicle;
 - 3. on the owner's premises;
 - 4. on the premises of another person with that person's permission;
 - 5. clearly under the verbal or non-verbal control of the owner; or hunting with the owner.
- F. "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.
- G. "Working farm dog" means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered with the Town and

annually licensed as a working farm dog pursuant to State law.

SECTION 4. NUISANCES. An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

- A. Running at large in the Town.
- B. A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.
- C. A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of thirty (30) minutes or more. This regulation shall not apply to dogs in a kennel/boarding facility annually licensed as such which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel / boarding facility.
- E. 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:
 - 1. the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or
 - 2. the working farm dog is running at large in order 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 license may be immediately impounded.

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.

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, the Animal Control Officer shall be the designated enforcement officer. The enforcement officer shall issue tickets and may be the appearing officer at any hearing.

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

SECTION 7. PENALTIES AND COSTS.

- A. First offense \$50.00 full penalty/\$25.00 waiver penalty. NOTE: The Animal Control Officer, an Enforcement Officer so designated by the Select Board, or the Select Board itself may issue a written warning for a first offense.
- B. Second offense \$100.00 full penalty/\$50.00 waiver penalty.
- C. Third offense Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$150.00 full penalty/\$75.00 waiver penalty.
- D. Subsequent offenses Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$200.00 full penalty/\$100.00 waiver penalty.
- E. For purposes of determining the sequence of offenses, second and third offenses shall be those 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.
- F. Any owner whose dog has been impounded for its initial third offense shall provide the Select Board with proof of satisfactory completion of a responsible dog owner training course pre-approved by the Select Board within 6 months of the anniversary date of impoundment. Failure to provide such certification may result in forfeiture of the offending animal.
- G. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.
- H. Impoundment costs and pre-approved responsible owner training programs shall be set annually by the Select Board.

SECTION 8. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.

- A. 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 steps that are necessary to have it returned to the owner.
- B. 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 seven (7) day period. The public notice shall include a description of the dog, including any significant marks of identification, when and where it was impounded or found by the person placing the dog in the town's custody, and declare that unless the owner claims the dog and pays all expenses incurred by the town for treatment, boarding and care of the dog, any applicable penalties and takes all necessary remedial action within seven (7) days following posting, the town may place the dog in an adoptive home, 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. 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.
- D. 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 seven (7) 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 if the town is unable to transfer the dog it may be humanely destroyed. 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 humane disposal.
- E. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the Select Board to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the Select Board 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. When a dog has bitten a person while the dog is off the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Select Board 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 Select Board in conducting its investigation.

- B. The Select Board, within seven (7) days from receipt of the complaint, 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. If the dog is found to have bitten the victim without provocation, the Select Board 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 provided in 20 V.S.A. § 3550.
- D. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Select Board or a municipal official designated by the Select Board 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 Select Board's order shall be enforced.

SECTION 10. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Middlesex 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 11. 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 12. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Middlesex Select Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 26th day of April, 2016 at a regularly scheduled meeting of the Middlesex Select Board.

SIGNATURES:

Peter O. Hood, Chair: _____

Mary Just Skinner, Vice Chair: _____

William Callnan: _____

Steven Martin: _____

Elizabeth Scharf: _____

April 26, 2016

THE MIDDLESEX SELECT BOARD

Adoption History

1. Agenda item at regular Select Board meeting held on April 12, 2016.
2. Read and approved at regular/special Select Board meeting on April 26, 2016, and entered in the minutes of that meeting which were approved on _____
3. Posted in public places on 4/28 / 2016.
4. Notice of adoption published in the Times-Argus newspaper on 4/29 / 2016 with a notice of the right to petition.
5. Other actions:

- A) Posted on home page of town website on 4/28/2016
- B) Public notice posted at Rumney School on 4/29/2016

TOWN OF MIDDLESEX NOTICE TO ALL RESIDENTS

On April 26, 2016, the Middlesex Select Board passed a new Dog and Wolf-Hybrid Ordinance as a duly warned agenda item at a regularly scheduled meeting. This ordinance is a revision of a previous ordinance and pertains to the control, licensing and restriction of dogs, and enforcement procedures for vicious dogs.

The index is as follows:

Section 1: Authority

Section 2: Purpose

Section 3: Definitions

Section 4: Nuisances

Section 5: Collar and License

Section 6: Enforcement

Section 7: Penalties and Costs

Section 8: Notice of Impoundment and Release from Impoundment

Section 9: Investigation of Vicious Dogs

Section 10: Other Laws

Section 11: Severability

Section 12: Effective Date

This ordinance will take effect June 15, 2016, unless a petition signed by at least five percent of the (1,570 currently registered) voters in the Town of Middlesex is filed with the Town Clerk by June 9, 2016, requesting a vote for disapproving the ordinance, per 24 VSA §1973 (b). Within 60 days of receiving such a petition, the Middlesex Select Board shall call a special meeting so voters may vote on the proposed ordinance, per 24 VSA §1973 (c). The ordinance may be viewed in its entirety on the Town's actively maintained website at middlesexvermont.org and at the Town Offices at 5 Church Street, Middlesex from 8:30 a.m. to 4:30 p.m., Monday through Thursday. Any questions may be directed to Select Board Assistant Sarah Merriman at 802-223-5915 or at middlesxtwnclrk@comcast.net.