

**TOWN OF POMFRET
DOG ORDINANCE**
Originally Adopted May 22, 1984
Amended December 19, 2012
Amendment adopted October 1, 2014
Effective November 30, 2014

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

SECTION 2. PURPOSE. It is the purpose of this ordinance to regulate the keeping of dogs to protect public health and safety and to protect the residents' quiet enjoyment of their 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; including wolf hybrid.
- 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. The term also includes those persons who provide food and shelter to a dog.
- D. **"Run at large"** means that a dog is not:
 - 1. Under restraint, meaning that the dog is controlled by a leash or is with a competent person and obedient to that person's commands;
 - 2. in a vehicle;
 - 3. on the owner's property;
 - 4. on the property of another person with that person's permission; or
 - 5. hunting with the owner.
- E. **"Vicious dog"** means a dog 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 dog. The term shall also mean any dog that, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 3541.

F. **“Municipal Officer”** means any constable, police officer, or the Selectboard, or any designee of the Selectboard and the use of any of those terms in this Ordinance shall be deemed to include all others, except where Selectboard is referenced as the adopting authority or appeal authority, where the use of that terms shall be exclusive.

SECTION 4 DISTURBANCES AND NUISANCES

The following are declared to be public nuisances punishable under this Ordinance, without intending limitation of availability of remedy of any party to pursue any action for private nuisance or damage to person or property:

- A. No dog owner shall permit his/her dog to run at large in the Town of Pomfret.
- B. No dog owner shall permit his/her dog to harass or attack people or to harass or attack domestic pets or domestic animals unless such people or animals are trespassing on the private property of the owner of the dog.
- C. No person shall permit his/her dog to disturb the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.
- D. The person in control of a dog 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.
- E. If a dog causes harm to another domestic animal without provocation, said dog may be ordered by any municipal officer to be impounded or immediately removed from the Town of Pomfret or destroyed depending on the seriousness of the violation. The owner of the dog may appeal such order by delivering written notice of such appeal to the office of the Town Clerk, as representative of the Selectboard within ten (10) days of the date of the order. The appeal shall be heard by the Selectboard at public hearing within fifteen (15) days of the date of delivery of the written notice of appeal. The owner shall be notified of the date of the hearing by written notice addressed to the last known address of the owner. The Selectboard shall issue a written decision on the appeal promptly, but in no event later than fifteen (15) days following the appeal hearing. A copy of the decision shall be sent to the owner.
- F. The dog is causing damage to the property of anyone other than its owner, by, for example and without limitation:
 - a. Turning over garbage containers; or
 - b. Doing damage to gardens, flowers, shrubs, vegetables or lawns; or
 - c. Injuring or worrying people, domestic pets, domestic animals, or other dogs.

SECTION 5. COLLAR AND LICENSE

- A. The owners of all dogs shall cause said dogs to be licensed according to the laws of this state (20 V.S.A. § 3581) and shall insure that his/her dog(s) wear a collar or harness with the current license 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. A dog that is found without a collar or harness and license may be immediately impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.

SECTION 6 HUMANE CARE OF DOGS

All dogs and other domestic pets and animals shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog determined by the constable or county sheriff to be without such clean and safe facilities may be impounded and the owner charged with a violation of this ordinance.

SECTION 7 IMPOUNDMENT

- A. Anyone authorized to enforce the ordinance is authorized to impound a dog.
- B. Any dog which the constable or county sheriff has reasonable grounds to believe to be a vicious dog which presents an imminent danger to people or other animals may be immediately impounded.
- C. Any dog that is found to be without a collar and license may be impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.
- D. The Selectboard may enter into an agreement with an individual or business to provide care for impounded dogs.

SECTION 8. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.

- A. The constable or county sheriff who impounds a dog shall, within 24 hours, give notice to the owner thereof either personally, by telephone call or voicemail, or by written notice at the owner's dwelling or mailed to the last known address of the owner, stating the reason for the impoundment, the location of the animal and the steps that are necessary to have the animal returned to the owner.
- B. The constable or county sheriff who impounds a dog shall report the impoundment to the selectboard at the next public selectboard meeting.
- C. If an impounded dog has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. § 3806
- D. Impounded animals shall be released to the owner only after payment of all impoundment costs and after remedial action by the owner. Impoundment costs shall be set annually by the selectboard and may include but are not limited to boarding costs, veterinary costs and costs incurred by Town officials.

SECTION 9. ENFORCEMENT.

- A. This is a civil ordinance and shall be enforced by the constable or county sheriff in the Vermont Judicial Bureau in accordance with 24 V.S.A. § 1974a et seq.
- B. When the constable or county sheriff has reasonable grounds to believe that a person has violated a provision of this ordinance they may issue a municipal ticket which is prosecuted through the Vermont Judicial Bureau. They shall report the alleged violation and the issuance of municipal tickets to the Selectboard at the next public Selectboard meeting.

SECTION 10. INVESTIGATION OF VICIOUS DOGS

A. When a domestic pet has bitten a person while the domestic pet is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the legislative body 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 legislative body in conducting its investigation.

B. The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet 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 the facts of the complaint.

C. If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 VSA § 3550.

D. In cases where the dog is determined to be vicious through investigation by a municipal officer, the owner (in addition to being subject to any other sanction or penalty reference in or provided by this Ordinance) may be ordered to remove the animal from the Town of Pomfret or to destroy the animal depending on the seriousness of the violation. Such order shall be subject to appeal by the owner pursuant to the procedure in the immediately preceding paragraph. If the animal in question has bitten or broken the skin of a person or other domestic animal, this animal will be required to be confined for ten (10) days (and may be tested for rabies or any other disease) all at the owner's expense.

E. The procedures provided in the section shall only apply if the domestic pet is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of

Subchapter 5 of Title 20, Chapter 193 and the rules of the department of health shall apply.

SECTION 10. PENALTIES AND COSTS.

Except as provided Section 4(E) and Section 10 regarding a vicious dog as defined herein, where additional anctions may be imposed, fines and penalties in addition to costs of impoundment may be imposed as follows:

- A. First offense \$100.00 full penalty/\$50.00 waiver penalty
- B. Second offense \$150.00 full penalty/ \$100.00 waiver penalty
- C. Third and subsequent offenses \$200.00 full penalty/\$150.00 waiver penalty

SECTION 11. OTHER LAWS. This ordinance is in addition to all other Ordinances of the Town of Pomfret and all applicable laws of the State of Vermont.

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 Pomfret selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted as amended this First day of October, 2014

Pomfret Selectboard

s/ Phil Dechert

s/ Mark Warner

Adoption History

1. Agenda item at regular Selectboard meeting held on May 21, 2014 and June 4, 2014
2. Read and adopted at regular Selectboard meeting on July 2, 2014
3. Re-adopted at regular Selectboard meeting on October 1, 2014
3. Posted in public places on October 3, 2014.
4. Notice of adoption published in the Vermont Standard newspaper on October 9, 2014 with a notice of the right to petition.
5. Other actions [petitions, etc.]