

WATERFORD ORDINANCE REGULATING DOGS AND WOLF-HYBRIDS

SECTION 1. AUTHORITY. This ordinance is adopted by the Town of Waterford under authority of 20 V.S.A. 5 3549, 24 V.S.A. 55 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to regulate the keeping of dogs and wolf hybrids and to provide for their leashing, muzzling, restraint, impoundment and destruction, in order to protect the public health and safety of the Town, and preserve the quiet enjoyment of its residents' homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and phrases shall apply:

- A. "Dog" means any member of the canine species. For purposes of this ordinance, this term shall also include "wolf-hybrids" and "working farm dogs" except as otherwise stated.
- B. "Domestic animal" means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo. The term shall include cultured fish propagated by commercial fish farms.
- 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 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 constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
- G. "Potentially vicious dog" means a dog that, while running at large: inflicts minor injuries on a person not necessitating medical attention; chases, worries, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal or real property; chases a person; 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.
- H. "Premises" means the home and real property of the dog owner.

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B. Exemptions for Working Dogs. The provisions of the sections pertaining to running at large and disturbing the peace shall not apply to working farm dogs if the working farm dog is:

1. barking in order to herd or protect livestock or poultry or to protect crops; or
2. 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 shall be in violation of this Ordinance and may be immediately impounded.

SECTION 6. ENFORCEMENT. A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Enforcement Officer County Superior Court, at the election of the Enforcement Officer.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. 55 1974a and 1977 et seq. For purposes of enforcement in the judicial Bureau, any Enforcement Officer 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 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:

Failure to remove waste

1 st Offense: warning or <u>\$50</u> fine	Waiver Fee: <u>\$25</u>
2 nd Offense: <u>\$100</u> fine	Waiver Fee: <u>\$50</u>
3 rd & Subsequent Offense: <u>\$200</u> fine	Waiver Fee: <u>\$100</u>

Disturbing the peace

1 st Offense: warning or <u>\$50</u> fine	Waiver Fee: <u>\$25</u>
2 nd Offense: <u>\$100</u> fine	Waiver Fee: <u>\$50</u>
3 rd Offense: <u>\$200</u> fine	Waiver Fee: <u>\$100</u>

Unconfined Dog in Heat

1 st Offense: warning or impoundment and <u>\$50</u> fine	Waiver Fee: <u>\$25</u>
2 nd Offense: impoundment and <u>\$100</u> fine	Waiver Fee: <u>\$50</u>
3 rd & Subsequent Offense: impoundment and/or <u>\$200</u> fine	Waiver Fee: <u>\$100</u>

5. is running at large;
6. is an unconfined dog in heat; or
7. is found without a collar or harness and license.

- 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 regular mail postage prepaid et the owner's last known address. Such notice shall inform the owner of the nature of the violations, the dog's location, 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, end 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, as determined by the enforcement officer in consideration of the violation committed, is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license; verification of certification of current vaccination against rabies; payment of all applicable fines or waiver fees; and proof of satisfactory successful completion of a program designed to improve the owner's understanding and execution of dog ownership responsibilities.

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) calendar 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.

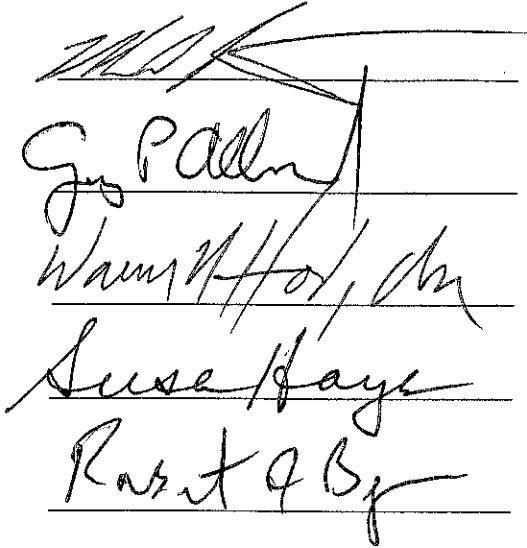
- D. **Rabies Suspect.** The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town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

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 Selectboard. If a petition is filed under 24 V.S.A. 5 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 11th day of December 20 23.

SIGNATURES:



Adoption History

1. Agenda item at regular Selectboard meeting held on November 13, and November 27, 2023
2. Read and approved at regular/special Selectboard meeting on December 11, 2023 and entered in the minutes of that meeting which were approved on December 18, 2023
3. Posted in public places on website, library and town office
4. Notice of adoption published in the Caledonian newspaper on 12/23/2023 with a notice of the right to petition. Record
5. Other actions [petitions, etc.]

TOWN OF WATERFORD

- Waterford Ordinance regulating dogs and wolf hybrids
- Ordinance to regulate livestock running at large

The Town of Waterford has updated the definitions in these ordinances.

To review the full text of these ordinances please visit our website at www.waterfordvt.org

Comments and questions can be forwarded to the
Town of Waterford
PO Box 56
Lower Waterford, VT 05848
Attn: Selectboard
Or call 802-748-2122

All Waterford residents have the right to petition under 24V.S.A. 1973 until February 12, 2024

12/23/2023