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**WESTFORD DOG ORDINANCE**

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**Section 1 - Authority**

The Westford Dog Ordinance is enacted by the authority of 20 V.S.A. §3549, 24 V.S.A. §2291(subsections 10, 14 and 15) and 24 V.S.A. Chapter 59, and shall be considered a civil ordinance as set forth in Chapter 59.

**Section 2 - Definitions**

For the purposes of this ordinance, the following words and/or phrases shall apply:

A. **"Dog"** means any member of the canine species or any wolf hybrid;

B. **"Wolf hybrid"** means:

1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis refus*);
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 or wolf hybrid. The term also includes those persons who provide food and shelter to a dog or wolf hybrid.

D. **"Running at large"** means that a dog or wolf hybrid is not:

1. on a leash;
2. in a vehicle;
3. on the owner's property;
4. on the property of another person with that person's permission; or
5. clearly under the verbal or non-verbal control of the owner.

E. **"Vicious dog or wolf hybrid"** means a dog or wolf hybrid 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 animal. The term shall also mean any animal that while running at large attacks any person or another domestic pet or domestic animal as defined in 20 V.S.A. §3541.

F. **"Authorized enforcement official"** means any law enforcement officer, constable, police officer, poundkeeper, humane society officer, game warden or otherwise duly authorized and appointed town representative.

**Section 3 - Licensing**

No owner shall harbor a dog which is unlicensed. The licensing of dogs in the town shall be governed by the provisions of 20 V.S.A., Chapter 193,

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Subchapter 2, as amended from time to time. As provided under §3581(a) and (f) of Title 20, an owner of a dog more than 6 months old shall annually on or before April 1st cause it to be registered with the town. A late fee of fifty percent (50%) shall be assessed on the fees as set forth in 20 V.S.A. §3581(a) for any license not obtained by April 1st.

#### **Section 4 - Disturbances or Nuisances**

No owner shall allow any dog under his or her control to:

- A. Chase persons or passing vehicles;
- B. Act viciously towards, bite, attack or threaten to attack other animals or persons;
- C. Run at large;
- D. Damage private or public property; or
- E. Bark, whine, howl or cry in an excessive, continuous or untimely fashion so as to disturb the peace and quiet of any neighborhood or as to materially disturb or annoy any person in the neighborhood.

#### **Section 5 - Impoundment**

Any authorized enforcement official may apprehend and impound any dog in violation of Sections 3 or 4, or any order issued pursuant to Section 9. The authorized enforcement official may impound such dogs in an animal shelter or other suitable place designated by the Selectboard. As appropriate, any authorized enforcement official may utilize the search warrant procedures set forth in 20 V.S.A. §3551, as amended from time to time, to enter property and search for, apprehend and impound any dog in violation of this ordinance.

The owner shall be responsible for any and all fees, penalties or other liability connected with impounding the dog. Any dog impounded may not be released until all civil penalties and an impounding fee of \$30.00 is paid to the Town of Westford. No dog can be released until the dog owner presents at the Town Office a certificate of rabies vaccination and a dog license for the current year. The owner is additionally responsible for any and all fees charged by the poundkeeper or other person designated by the Selectboard for the care of the dog while impounded.

#### **Section 6 - Notice of Impoundment**

Upon apprehending and impounding a dog, the authorized enforcement official shall attempt to determine the owner and notify the same of the impoundment. If the owner is unknown, written notice shall be posted for at least three (3) days in conspicuous places in the town (Westford Town Office, Westford Post Office and Westford Market) and published in a newspaper of general circulation in the town.

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**Section 7 - Impoundment of Dogs That Have Bitten**

It shall be the duty of every authorized enforcement official to make a good faith effort to apprehend and impound any dog that has bitten any person when an appropriate complaint is lodged with the Town Clerk or a Selectboard member. Dogs with a valid rabies vaccination certificate will be impounded, or at the discretion of the official, evaluated off-site for a period of ten (10) days in order to determine if the dog is rabid. At the expiration of the ten (10) day impoundment period, such dog may be reclaimed by the owner.

Any dog without a valid rabies vaccination certificate, or that is otherwise a rabies suspect based on the factors set forth in 20 V.S.A. §3806(a), shall be managed in accordance with the rules of the department of health and as otherwise provided in 20 V.S.A., Chapter 193, Subchapter 5, as amended from time to time. In the event that a dog is confined or impounded as a rabies suspect, the owner, if known, shall be notified within 24 hours and/or as provided in §3806 of Title 20.

The owner of any dog impounded hereunder shall be responsible for any impounding fees, as provided in Section 5 of this Ordinance.

**Section 8 - Disposition of Unclaimed Dogs**

If after seven (7) days of impoundment, or ten (10) days of impoundment for a dog with a valid rabies certificate that is involved in biting a person (see Section 7), the owner cannot be found or the known owner does not reclaim the dog, an authorized enforcement official may find a suitable home for the dog or the dog may be given to the Humane Society for adoption or destroyed in a humane way. If the owner is known, he/she will be liable for any and all fees involved in disposing of the dog. The Selectboard may choose to collect any and all fees involved in the impounding of a dog by civil action against the dog's owner.

**Section 9 - Selectboard Hearing**

A. Except as provided in Subsection B below, if the Selectboard receives a complaint that any dog has, on two or more separate occasions, caused a disturbance or nuisance in violation of Section 4 above, the Selectboard may warn and hold a hearing on such complaint(s). If the owner of the dog which is the subject of the complaint(s) is known or can be determined with due diligence, such owner shall be provided written notice of the time, date and place of the hearing and a copy of the complaint(s).

B. If the Selectboard receives a written complaint that any dog, while running at large, has bitten any person or domestic animal, causing

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an injury that requires medical attention; the Selectboard shall warn and hold a hearing on such complaint. If the owner of the dog which is the subject of the complaint is known or can be determined with due diligence, such owner shall be provided written notice of the time, date and place of the hearing and a copy of the complaint.

C. If based upon the information received at the hearing the Selectboard concludes that the dog has caused a disturbance or nuisance (subsection A above) or bitten any person or domestic animal (subsection B above), the Selectboard may enter an order directing such action as it deems reasonable and appropriate under the circumstances, including without limitation, that the dog be muzzled, chained, confined or destroyed in a humane way. Failure to comply with the requirements of any such order shall constitute a violation of this ordinance and be subject to a civil penalty as specified in Section 11. A second violation of such order will result in a civil penalty as specified in Section 11 and may result in the confiscation and disposition of the dog. The confiscated dog will be given to the Humane Society and/or destroyed in a humane way.

D. A complaint submitted pursuant to subsections (A) and (B) above shall be in writing and shall describe the dog involved (including the dog's name, if known), the owner(s) of the dog (if known), the date and location of the alleged threat, attack, bite, or other violative conduct, the nature of any injuries, the name and address of the person making the complaint, and the name and address of the victim.

### **Section 10 - Cruelty**

Any person or persons who mistreats a dog pursuant to 13 V.S.A., Chapter 8 shall be found in violation and be subject to the civil penalties as set forth in Section 11 of this ordinance. Upon the third (3rd) offense, the dog shall be confiscated by an authorized enforcement official. The official may find a suitable home for the dog or the dog may be given to the Humane Society for adoption or destroyed in a humane way.

### **Section 11 - Civil Penalty for Ordinance Violation (Municipal Complaint)**

Any person found to be in violation of this ordinance shall be liable for a civil penalty in addition to impoundment fees and costs. Civil penalties shall be enforced pursuant to 24 V.S.A., Chapter 59 and are as follows:

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|----|---------------------|---|
| A. | 1st offense         | \$35.00 or, at the discretion of the enforcement officer written warning; |
| B. | 2nd offense         | \$55.00 per dog;  |
| C. | 3rd offense         | \$100.00 per dog;   |
| D. | Subsequent offenses | \$150.00 per dog;   |
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E. Any person found in violation of an order issued pursuant to Section 10 of this ordinance shall be liable for a civil penalty of \$350.00 in addition to impoundment fees and costs.

F. Each day that a violation continues shall constitute a separate offense.

In addition to the foregoing, the town may pursue any other remedy authorized by law to obtain compliance with this ordinance, including filing a petition for injunctive relief.

### **Section 12 - Waiver Fee for Municipal Complaint**

The authorized enforcement official may collect a waiver fee in lieu of a civil penalty if a person found in violation does not contest the municipal complaint. The waiver fees, payable to the Town of Westford, are as follows:

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|----|---------------------|-----------------|
| A. | 1st offense         | N/A             |
| B. | 2nd offense         | \$40.00 per dog |
| C. | 3rd offense         | \$50.00 per dog |
| D. | Subsequent offenses | \$75.00 per dog |

### **Section 13 - Severability**

This ordinance and its various parts, sentences, sections and clauses are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

### **Section 14 - Supplementation of Existing Law**

This Ordinance is intended to supplement, and not to limit, the authority of the town under the existing laws of the State of Vermont pertaining to the regulation, licensing and control of dogs, including, without limitation, the provisions of 20 V.S.A., Chapter 193, as amended from time to time.

Adopted this 8th day of September, 2005.

Effective date: November 7, 2005.

WESTFORD SELECTBOARD

William H. Leach, Chair

Kenneth Tardie

David Tilton

Received for Record

September 9, 2005 at 8:30 a.m.

Attest: Nanette Rogers, Town Clerk

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