

TOWN OF BRIDPORT, VERMONT

ORDINANCE REGULATING DOGS AND WOLF-HYBRIDS

SECTION 1. AUTHORITY. This Ordinance is adopted by the Selectboard of the Town of Bridport under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), 24 V.S.A. Chapter 59, and any other applicable Vermont Statutes. The Selectboard of the Town of Bridport is also referred to herein as the "Selectboard." The Town of Bridport is also referred to herein as the "Town."

SECTION 2. PURPOSE. The purpose of this Ordinance is to regulate the keeping of dogs and wolf-hybrids and to provide for their licensing, leashing, muzzling, restraint, impoundment, destruction and running at large, 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, Dog Warden, 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 owns a dog and includes 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. However, it is not the intent of this Ordinance to require a person to be responsible under it for feral animals that take up residence in a building other than the person's home, even if the person occasionally provides feed to the animal. An Owner includes: the owner as registered on the most recent license for the dog is prima-facie evidence of the ownership of the dog. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

- 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 real property (home or otherwise), but, for anyone other than the Town of Bridport or State of Vermont, excludes any land located within the so-called right of way of a public highway.
- I. "Public real property" means real property of the Town of Bridport, State of Vermont or any school district or other government entity, and includes the area within the so-called right of way of any public highway.
- J. "Running at large" means that a dog is not:
1. on a leash; or
 2. on or within a vehicle; or
 3. on the owner's premises; or
 4. on the premises of another person with that person's permission; or
 5. clearly under the verbal or non-verbal control of its owner; or
 6. in use for law enforcement or search and rescue; or
 7. legally hunting with its owner.
- K. "Wolf-hybrid" means an animal that:
1. is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*); or
 2. is advertised or otherwise described or represented to be a wolf-hybrid; or
 3. exhibits primary physical and/or behavioral wolf characteristics.
- L. "Working farm dog" means a dog that:
1. is bred or trained to herd or protect livestock or poultry or to protect crops; and
 2. is used for those purposes; and
 3. is registered as a working farm dog pursuant to State law.

SECTION 4. NUISANCES.

- A. **Prohibitions.** An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

Nuisance One: Lack of current license and/or tag

A dog without a current license. Also, a dog without a collar or harness with the current

license tag securely attached.

Nuisance Two: Running at large

A dog running at large in the Town.

Nuisance Three: Failure to remove waste

A dog that defecates on any public real property or on the private premises of another person and whose owner does not immediately remove the fecal material.

Nuisance Four: Unconfined dog in heat

A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.

Nuisance Five: Disturbing the peace

A dog that disturbs the quiet, comfort and repose of another person by barking or making other noise of such volume, duration or frequency that a reasonable person would find it disturbing. Also, a dog that chases or barks at any pedestrian or vehicle, which are located within the so-called right of way of a public highway or on other public real property, in such a manner as to frighten, obstruct or distract a pedestrian or driver of a vehicle.

Nuisance Six: Potentially vicious dog

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.

- B. **Exemptions for Working Dogs.** The provisions above pertaining to Running at large and barking under Disturbing the peace shall not apply to a working farm dog, when it is on the premises being farmed by the person who registered the working farm dog, 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 tag 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 with either an attached current license tag or an attached current 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 Addison Unit of the Superior Court, at the election of the Selectboard.

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, any Enforcement Officer shall have authority to issue tickets and, with or without any other appropriate representative, 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. In addition to: the giving of any warning for, any impoundment for, the payment of charges or impoundment fees for, and the performance of any remedial action for any violation of this Ordinance (including any Lack of current license and/or tag, Running at large, Failure to remove waste, Unconfined dog in heat, Disturbing the peace and Potentially vicious dog nuisances under Section 4), the Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance including respectively for each such nuisance:
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|-------------------------|--|
| First Offense: | \$80.00 full penalty or a \$40.00 waiver penalty |
| Second Offense: | \$140.00 full penalty or a \$80.00 waiver penalty |
| Third Offense: | \$200.00 full penalty or a \$100.00 waiver penalty |
| Any subsequent Offense: | \$300.00 full penalty or a \$150.00 waiver penalty |
- B. The Enforcement Officer is authorized to recover a waiver penalty in lieu of a full civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver penalty.
- C. Determining the sequences of offenses for violations of this Ordinance shall be as follows: a subsequent violation that is identical to (for example, another violation of the same type of nuisance) and that occurs within eighteen (18) months of a previous violation shall be considered a higher offense (i.e., second, third, or subsequent offense). Any subsequent identical violation that occurs after eighteen (18) months of a previous identical violation shall be considered a new first offense.
- D. **Reckless Dog Owner.** Any owner who has violated this Ordinance three (3) times, whether the offenses are identical or not, within a three (3) month period shall provide proof to the Enforcement Officer of successful completion of a behavior modification program, pre-approved by the Selectboard, and designed to improve the owner's understanding of dog ownership responsibilities. The Enforcement Officer shall issue a notification of this requirement in writing, by mailing it by regular mail postage prepaid, to the owner's last known address. This notification shall include the date by which such proof shall be provided, this date shall be determined by the Enforcement Officer but shall not be less than fourteen (14) days from the date on the notification of its execution. Failure to provide such proof within the time allotted shall subject any dog involved in any such violations to immediate seizure and impoundment including under the provisions of Section 8.

- E. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.
- F. A warning shall not be counted towards the calculation of the number of offenses under this Ordinance.

SECTION 8. IMPOUNDMENT.

- A. **Grounds for Impoundment.** Any dog may be immediately impounded if the dog:
 - 1. has been determined by an Enforcement Officer to be a "potentially vicious dog," which presents an imminent danger to people or other animals;
 - 2. has reportedly bitten a person off or on the premises of its owner;
 - 3. is in violation of State licensing law;
 - 4. has an unknown rabies vaccination history or is suspected of having been exposed to rabies;
 - 5. is running at large;
 - 6. is an unconfined dog in heat; or
 - 7. is found without a collar or harness with the current license tag attached.
- B. **Notice of Impoundment.** The Enforcement Officer who impounds a dog shall, within forty-eight (48) hours except within twenty-four (24) hours if the dog has an unknown rabies vaccination history or is suspected of having been exposed to rabies or if the dog is running at large in violation of any of the provisions of Subchapter 5 on CONTROL OF RABIES that begins with Section 3801 of Title 20 V.S.A., give notice to the owner thereof, if known, either personally, by telephone call, or by mailing by regular mail postage prepaid to 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 Enforcement Officer who impounds a dog shall, within forty-eight (48) or twenty-four (24) hours (as the case may be) of impoundment, post a public notice. Notification shall be posted in the Town Clerk's Office and at least two other usual places for public notice within the Town for a ten (10) calendar day period. The public notice shall include a description of the dog, including any significant marks of identification, and 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 (including impoundment fees), and any applicable penalties, and 3) takes all necessary remedial action within ten (10) calendar days beginning with the first day of posting, the Town may place the dog in an adoptive home or transfer it to a humane society or rescue organization (such a transfer means such society or organization becoming able to decide what is to happen to the dog). 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 (as used in this Ordinance, "impoundment fees" without limitation include boarding, food, and veterinary expenses and, as set from time to time by the Selectboard, any impounding fee and any per day or fraction thereof charge), 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 (includes tag); verification of certification of current vaccination against rabies; payment of all applicable penalties; 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 or does not take the remedial and other actions necessary to secure the dog's release within a ten (10) calendar day period following the giving of notice of impoundment (this period begins with the day mailed for any mailing and with the first day posted for any posting) 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 (such a transfer means such society or organization becoming able to decide what is to happen to the dog); 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, including as expenses for penalties and impoundment fees, and any expenses associated with its transfer or humane disposal.

- D. **Rabies Suspect.** If an Enforcement Officer or other 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. If the dog is such a rabies suspect, the procedures provided in this Section shall not apply to the extent they conflict with said rules.

SECTION 9. INVESTIGATION OF VICIOUS DOGS.

- A. **Complaint.** When a dog has bitten a person while the dog is off or on the premises of its owner (includes of its keeper), and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard. 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 Selectboard in conducting its investigation, such as any witness's name, the medical attention, and as complete as possible description of the dog.
- B. **Investigation and Hearing.** The Selectboard, within seven (7) calendar days from receipt of the complaint of a person bitten off such premises or within fourteen (14) calendar days from receipt of the complaint of a person bitten on such premises, 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. **Protective Order.** If, after a hearing on the matter, the dog is found to have bitten the victim without provocation, the Selectboard 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 any ascertained owner of the dog. 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. **Rabies suspect.** The procedures provided in this Section shall only apply if the dog is not a rabies suspect. If a member of the Selectboard or an Enforcement Officer 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 and the provisions of Subchapter 5 on CONTROL OF RABIES that begins with Section 3801 of Title 20 V.S.A. shall apply to the extent applicable. If the dog is deemed healthy, the terms and conditions set forth in the Selectboard's order shall be enforced.

SECTION 10. POTENTIALLY VICIOUS DOGS.

A person claiming a dog is a "potentially vicious dog" may file a written complaint with the Selectboard. The complaint shall contain the time, date, and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the Selectboard in conducting its hearing, such as any witness's name and as complete as possible description of the dog. Upon receipt of a "potentially vicious dog" complaint the Selectboard shall proceed as in the case of a "vicious dog" complaint with the exception that the Selectboard investigates the charges and holds a hearing within fourteen (14) days from its receipt of the complaint and except that if the Selectboard determines that the behavior classifies the dog as "potentially vicious" the Selectboard may order any protective measures be taken absent the dog being humanely destroyed. In addition to the provisions of this Section, the Town may impose any civil penalty under Section 7 for a Potentially vicious dog nuisance under Section 4.

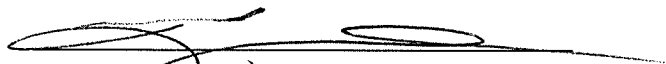
SECTION 11. OTHER LAWS. This Ordinance is in addition to all other ordinances of the Town of Bridport and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. This includes the repeal of the TOWN OF BRIDPORT – ORDINANCE FOR REGULATIONS OF DOGS adopted by the Selectboard on January 15, 1979.

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.

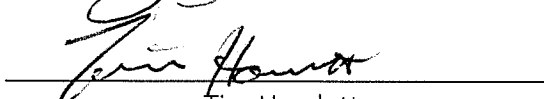
SECTION 13. EFFECTIVE DATE. This Ordinance shall become effective on February 7, 2020. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Adopted this 9th day of December, 2019, by the Town of Bridport Selectboard.

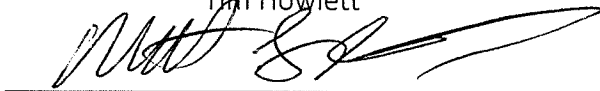
SIGNATURES:



Joan Huestis



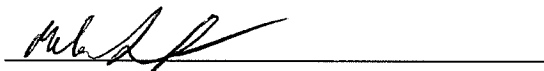
Tim Howlett



Matt Lawton



David Bronson



Mike Lawton



RECEIVED for Record

December 9, 2019

7:00 pm

Julie Howlett
Town Clerk