

WILMINGTON ANIMAL CONTROL ORDINANCE OF 2010

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Sec. 1- Purpose of Ordinance

This Ordinance has been adopted for the purpose of protecting public health, safety, order and the residents' right to the quiet enjoyment of their property. The regulations set forth herein seek to achieve the aforementioned objectives by promoting the responsible care and supervision of dogs and wolf-hybrids within the Town by their owners.

Sec. 2- Statutory Authority

This Ordinance has been promulgated under the authority granted the Town's Legislative Body by 20 V.S.A. 3549, 24 V.S.A 2291 (10), (14 and 15) and 24 V.S.A. Chapter 59.

Sec. 3- Definitions

3-1. **Dog:** A male or female of the canine species (*Canis familiaris*).

3-2. **Wolf-hybrid:** An animal which is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*canis lupus* or *canis rufus*).

3-3. **At-Large:** A dog or wolf-hybrid not on the premises of its owner and not restrained or under the direct control of its owner or the owner's agent.

3-4 **Issuing Officials:** The Town officials authorized to issue complaints in the enforcement of this Ordinance.

3-5 **Owner:** Any persons, firm, association, or corporation owning, keeping or harboring a dog or wolf hybrid.

3-6 **Municipal Pound:** Any facility operated by a municipal agency, or its authorized agent for the purpose of impounding and caring for animals under hygienic conditions held under the authority of this Ordinance or state law.

Sec. 4- Requirements, Restrictions and Prohibitions

4-1 **Licensing** - Every owner of a dog or wolf-hybrid shall annually license said animal in accordance with the provisions of 20 V.S.A., Chapter 193. The owner of a dog or wolf-hybrid shall cause it to wear a collar and attach thereto a license tag issued by the Town Clerk. The fee for a license shall include a \$5.00 surcharge above the license fee required by State Statute to offset animal control expenses incurred by the Town.

4-2. **Immunization** - All dogs and wolf-hybrid owners shall have their animals inoculated against rabies in accordance with 20 V.S.A., Section 3581, 20 V.S.A., Section 3581(a) and any rules adopted by the Commissioner of Agriculture.

4-3. **Running-at-large** - Neither dogs nor wolf-hybrids shall lawfully run at large.

4-4 **Vicious Animals** - It shall be unlawful for a dog or wolf-hybrid to attack and/or bite a person or another animal.

4-5. **Disturbances** - It shall be unlawful for any dog or wolf-hybrid owner to allow his/her dog or wolf- hybrid to habitually bark or howl so that the comfort or repose of any person(s) in the vicinity is disturbed.

4-6 **Defecation** - The owner or other individual in control of any dog which defecates on private or public property, including parks, walkways, and yards, shall remove such material immediately and dispose of it in a sanitary manner.

4-7 **Multiple Offenses** - For purposes of this Ordinance, second, third and subsequent offenses are defined as those multiple and cumulative offenses committed by the dogs and/or wolf hybrids of a single owner.

Sec. 5- Impoundment

5-1 **Reasons for Impoundment** - An enforcement officer may impound dogs and wolf-hybrids at a Town designated impoundment facility for a violation of subsections 4-1, 4-2, 4-3, 4-4 and 4-5.

5-2 Impoundment Procedures

a. The Town official who impounds a dog or wolf-hybrid shall attempt to notify the owner that his/her animal has been impounded within twenty-four (24) hours of said impoundment. If the owner is unknown or cannot be reached, the official shall post a notice in the Police Station and the Town Clerk's office, for a period of seven days, describing the impounded animal, and stating when and where said animal was apprehended.

b. The owner may redeem the dog or wolf-hybrid from the impoundment facility by:

1. Paying all impoundment fees as well as other costs that the facility or the town may charge for boarding and caring for the animal.

2. Inoculating his/her dog or wolf-hybrid against rabies if proof that said animal has been properly immunized cannot be provided. The Town shall not release the animal until it has been inoculated. If necessary, the town shall have the animal inoculated and the owner shall pay fees and expenses for inoculation.

3. Licensing his/her dog or wolf-hybrid only if said animal has not been properly licensed.

c. Dogs or wolf-hybrids that are not redeemed by their owners after seven days of impoundment, may

be humanely destroyed.

d. Rabies Suspect - Any dog or wolf-hybrid which is considered a rabies suspect shall be managed in accordance with the rules of the Vermont Department of Health. The owner of an animal suspected of having rabies shall reimburse the Town for all costs incurred in conjunction with the impoundment, evaluation, care and/or disposition of the subject animal.

Sec. 6 Civil Designation

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A., Sections 1974a and 1977 et seq.

Sec. 7 Penalties

7-1 Violation of Subsection 4-1 (Licensing) - A penalty of \$30.00 shall be imposed for the initial violation of Subsection 4-1 of this Ordinance. The penalty for the second offense within a two-year period shall be \$50.00, and the penalty for three or more offenses within a two-year period shall be \$100.00. The waiver fee shall be established at \$15.00 for the first offense, \$25 for the second offense within a two-year period, and \$50.00 for all subsequent offenses within a two-year period.

7-2 Violation of Subsection 4-2 (Immunization) - A penalty of \$40.00 shall be imposed for the initial violation of Subsection 4-2 of this Ordinance. The penalty for the second offense within a two-year period shall be \$100.00, and the penalty for three or more offenses within a two-year period shall be \$200.00. The waiver fee shall be established at \$20.00 for the first offense, \$50.00 for the second offense within a two-year period, and \$100.00 for all subsequent offenses within a two-year period.

7-3 Violation of Subsection 4-3 (Running At Large) - A penalty of \$30.00 shall be imposed for the initial violation of Subsection 4-3 of this Ordinance. The penalty for the second offense within a two-year period shall be \$40.00, and the penalty for three or more offenses within a two-year period shall be \$60.00. The waiver fee shall be established at \$15.00 for the first offense, \$20.00 for the second offense within a two-year period, and \$30.00 for all subsequent offenses within a two-year period.

7-4 Violation of Subsection 4-4 (Vicious Animals) - A penalty of \$100.00 shall be imposed for the initial violation of Subsection 4-4 of this Ordinance. The penalty for the second offense within a two-year period shall be \$200.00, and the penalty for three or more offenses within a two-year period shall be \$500.00. The waiver fee shall be established at \$50.00 for the first offense, \$100.00 for the second offense within a two-year period, and \$250.00 for all subsequent offenses within a two-year period. In addition, the Selectboard may issue an order in accordance with 20 V.S.A., Section 3546 to have a vicious animal muzzled, chained, confined or humanely destroyed.

7-5 Violation of Subsection 4-5 (Disturbances) - A penalty of \$30.00 shall be imposed for the initial violation of Subsection 4-5 of this Ordinance. The penalty for the second offense within a two-year period shall be \$80.00, and the penalty for three or more offenses within a two year period shall be \$200.00. The waiver fee shall be established at \$15.00 for the first offense, \$40.00 for the second offense within a two-year period, and \$100.00 for all subsequent offenses within a two-year period.

7-6 Violation of Subsection 4-6 (Defecation) - A penalty of \$30.00 shall be imposed for the initial violation of Subsection 4-6 of this Ordinance. The penalty for the second offense within a two-year period shall be \$80.00, and the penalty for three or more offenses within a two year period shall be \$200.00. The waiver fee shall be established at \$15.00 for the first offense, \$40.00 for the second offense within a two-year period, and \$100.00 for all subsequent offenses within a two-year period.

7-7 Impoundment fee shall be set by the Selectboard and may be changed by the Selectboard at a meeting Warned for that purpose.

Sec. 8 Enforcement

Issuing officials authorized to enforce this Ordinance shall be any Wilmington Police Officer and the Town's Dog Warden(s).

Sec. 9 Severability

If any provision within this Ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining provisions of this Ordinance.

Sec. 10 Publication and Posting

This Ordinance shall be entered in the Selectboard minutes, filed with the Town Clerk, and posted in at least five (5) conspicuous places within the Town. A copy of this Ordinance, or a concise summary of it including a statement of purpose, principal provisions, and table of contents or list of section headings, shall be published in the Deerfield Valley News, not later than fourteen (14) days following the date specified below when this Ordinance is adopted.

Sec. 11 Information

The Wilmington Town Manager - whose telephone number is 464-8591, and whose address is Box 217, Wilmington, VT 05363, is a person knowledgeable about the Ordinance and is available to answer questions and provide persons with a full text thereof.

Sec. 12 Right to Petition

Citizens of the Town of Wilmington are further hereby notified that within forty-four (44) days from the date of adoption they may petition for a vote on the above Ordinance at an annual or special town meeting as provided in 24 VSA 1973.

Sec. 13 Adoption/Effective Date

This Ordinance is hereby adopted by the Selectboard of the Town of Wilmington on this the 21st day of April, 2010 and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

Sec. 14 Recording

This Ordinance shall be recorded by the Town Clerk in the Records of the Municipality

WILMINGTON BOARD OF SELECTPERSONS

Thomas P. Consolino, Chair

Bruce P. Mullen, Vice Chair

Margaret L. Streater, Clerk

Susan Joy Haughwout

James R. Burke