

Town of Underhill, Vermont U.S.A.

Domestic Pet Ordinance

An ordinance providing for the licensing of all dogs and wolf hybrids and for the regulation and keeping of domestic pets

Pursuant to the authority of Title 20 V.S.A. Chapter 193, and Title 24 V.S.A. Chapter 59, the Town of Underhill hereby enacts the following ordinance:

Sections:

1. Definitions
2. License and Collar requirements
3. Disturbances and Nuisances
4. Dogs Running at Large
5. Humane Care of domestic pets
6. Vicious pets
7. Notice and Release from Impoundment
8. Penalties and Costs
9. Severability
10. Effective Date

Section One: Definitions

- A. "Dog" means any member of the canine species;
- B. "Wolf hybrid" means:
 1. An animal which is the progeny of a dog and a wolf (*Canis lupis* or *Canis rufus*);
 2. An animal which is advertised or otherwise described or represented to be a wolf hybrid; or
 3. An animal, which exhibits primary physical and/or behavioral wolf characteristics.
- C. "Domestic pet" or "pet" means any domestic dog, domestic cats and ferrets. The term shall also include such other domestic animals as may be designated by the commissioner of the Vermont Department of Agriculture, Food and Markets;
- D. "Owner" means any person who has actual or constructive possession of a dog, wolf hybrid or domestic pet. The term also included those persons who provide feed and/or shelter to any of the aforementioned;
- E. "Enforcement Officer" shall be the Animal Control Officer and/or Town Constable or such persons as may be appointed by the Underhill Selectboard to enforce or execute the provisions of this ordinance;
- F. "Poundkeeper" shall be the Enforcement Officer or such other person as may be designated by the Enforcement Officer or Underhill Selectboard to receive, maintain and dispose of dogs impounded pursuant to this ordinance.

Section Two: License and Collar Requirements

Each dog and/or wolf hybrid shall be licensed according to the laws of this state and shall 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.

DOG LICENSES ARE AVAILABLE AT THE TOWN CLERKES OFFICE ON JANUARY 1ST. A 50% PENALTY WILL BE ASSESSED AFTER APRIL 1ST.

- A. A dog or wolf hybrid, which is found without a collar or harness and license, shall be immediately impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.

Section Three: Disturbances and Nuisances

- A. All dogs and wolf hybrids in the Town of Underhill shall be under direct control of their owners at all times. The enforcement officer may upon complaint of the owner of the property, impound any domestic pet at large that enters the property of another and causes property damage or creates a nuisance. No complaint under this ordinance will be sustained against a domestic pet unless the person making the complaint is identified.
- B. No owner may keep a domestic pet that, for frequent or habitual barking, howling or yelping disturbs the peace and quiet of person of ordinary sensibility. The enforcement officer may, upon complaint, impound domestic pets, that do so disturb the peace.
- C. A female dog or wolf hybrid in heat shall be confined to a building or other secured enclosure except while under the direct control of the owner. The enforcement officer shall impound any female dog or wolf hybrid in heat found at large.

Section Four: Dogs Running at Large

- A. A dog is considered running at large when it is not:
- On a leash;
 - In a vehicle;
 - On the owners property;
 - On the property of another person with that person's permission;
 - Clearly under the verbal or non-verbal control of the owner; or
 - Hunting with the owner
- B. Any dog found running at large shall be dealt with in accordance with Section Three herein.

Section Five: Humane Care of Domestic Pets

- A. All domestic pets shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any pet determined by the enforcement officer to be without such clean and safe facilities may be impounded.

Section Six: Vicious Pets

- A. The Underhill Selectboard shall investigate complaints received pursuant to V.S.A. Title 20 § 3546, and shall make such findings and issue such orders as may be authorized or required by that statute. Any domestic pet, which has attacked or bitten a person or caused a person to reasonably fear attack or bodily injury from such animal off the premises of the owner, shall be considered vicious.
- B. A domestic pet which, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 3541 shall also be considered vicious.

Section Six: impoundment and Enforcement

- A. In addition to the enforcement officer, from time to time the Town of Underhill may appoint or contract other persons to act as Poundkeeper for the Town. The Poundkeeper shall be entitled to a daily fee that will adequately reimburse him/her for the cost of feeding, housing and otherwise maintaining impounded domestic pets and which is mutually agreeable to the Selectboard and the Poundkeeper.
- B. The enforcement officer who impounds the domestic pet, dog or wolf hybrid shall, within 24 hours, give notice to the owner thereof, either personally or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.
- C. If an impounded dog or wolf hybrid has no license or other identification, the enforcement officer shall proceed under the provisions of 20 V.S.A. § 3806.
- D. The enforcement officer shall release impounded animals to their owners only after payment of all penalties and impoundment fees and after remedial action. Remedial action shall include but is not limited to such actions as providing a collar with a current license and providing a plan for compliance with the provisions of this ordinance and with Vermont state law.
- E. An impounded domestic pet not redeemed by its owner within seven days of notification of the impoundment shall be advertised and shall either be sold, given away (after confirming health and immunization status) or humanely destroyed. The owner shall be liable to the Town of Underhill for the amount of the fine, cost of impoundment and any other costs associated with the impoundment. If the pet is sold, all proceeds will be applied to the cost of impoundment.

Section Seven: Penalties and Costs

- A. Any dog found without a license will be fined \$15.00 and must obtain a current license within 7 days from date of fine.
- B. If dog has been impounded and is without a license, the owner will be fined the \$15.00 and will be required to pay all costs for impounding the animal as well as obtain a current license within 7 days from the date of release of impoundment.
- C. With the exception of Section Five: Vicious Animals, the penalties and payments shall be as follows:
- **First Offense** – Written Warning, Required remedial action + applicable impoundment fees. (In a twelve month period)
 - **Second Offense** - \$40.00, required remedial action + applicable impoundment fees. (In a twelve month period)
 - **Third Offense** – 75.00, required remedial action + applicable impoundment fees. (In a twelve month period)
 - **Fourth Offense and subsequent impoundments in twelve month period** - \$100.00, required remedial action + applicable impoundment fees.

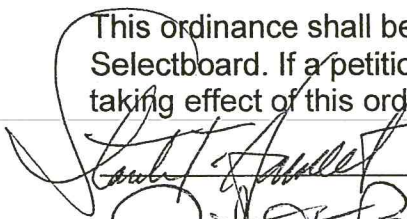
This is a civil ordinance and shall be enforced by the enforcement officer or police. In accordance with V.S.A. Title 20, Chapter 193 § 3550, the Selectboard or an enforcement officer designated by the commissioner may impose a civil penalty of up to \$500.00 per violation in accordance with the provisions of this section

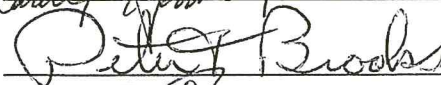
Section Nine: Severability

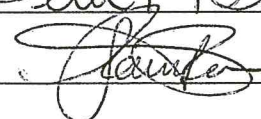
If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

Section Ten: Effective Date

This ordinance shall become effective 60 days after its adoption by the Underhill Selectboard. If a petition is filed under 24 V.S.A. § 1973, the statute shall govern the taking effect of this ordinance







9/11/02
DATE