
TOWN OF DORSET ANIMAL CONTROL ORDINANCE:

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1. PURPOSE

This ordinance has been adopted for the purpose of protecting public health, safety, order, and the resident's right to the quiet enjoyment to their property as well as the welfare of the citizens of Dorset. The regulations set forth herein seek to achieve the aforementioned objectives by promoting the responsible care and supervision of domestic pets and wolf-hybrids within the Town of Dorset by their owners.

2. STATUTORY AUTHORITY

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

3. DEFINITIONS

- A) At-Large - A domestic pet 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.
- B) Dog - A male or female of the canine species.
- C) Domestic Pet - Any domestic dog, domestic cat or ferret, or other domestic animals so designated by the Commissioner of Agriculture.



- D) Issuing Officials - The Town officials authorized to issue complaints in the enforcement of this Ordinance.
- E) Leash - A dog is under restraint, within the meaning of this Ordinance, if it is controlled by a leash not more than eight (8) feet long.
- F) Owner/Keeper - Any person, firm, association, or corporation owning, keeping or harboring a domestic pet or wolf-hybrid. The person who last obtained a license for the animal shall be deemed the owner unless the person who last obtained a license provides documentary proof that ownership has changed. The owner shall be accountable for the actions of the animal unless the owner provides sufficient proof that, at the relevant time, the owner has entrusted custody of the domestic pet to a keeper who is a competent adult. In such case, the keeper shall be deemed the owner for the purposes of this ordinance, provided that owner shall be liable for any violation of an order of the Selectboard issued under this ordinance regardless of whether at the time of violation the domestic pet or wolf-hybrid is in the custody of another competent adult.
- G) Vicious Dog - The Issuing Official(s) may determine that a dog is *vicious*, if a dog causes reasonable fear, threat of bodily injury or bodily injury by attacking or threatening to attack any person except as such person may be in the act of unlawfully trespassing upon the private property of the owner.
- H) Wolf-Hybrid - An animal which is the progeny or descendant of domestic dog and a wolf.

4. REQUIREMENTS, RESTRICTIONS, and PROHIBITIONS

- A) Licensing – Every dog or wolf-hybrid owner shall annually license said animal more than 6 months old in accordance with the provisions of 20 V.S.A., Chapter 193, Subchapter 2. Licenses shall be obtained prior to April 1 and thereafter will be subject to an additional fee of 50% in excess of that otherwise required. The owner shall provide a rabies immunization certificate for each animal being licensed, and proof of sterilization for any spayed or neutered animals, to the Town Clerk at the time of licensing.

A license surcharge fee of \$1.00 is forwarded to the State of Vermont and a license surcharge fee of \$2.00 is maintained by the Town of Dorset in a fund for administering a rabies control program. Neither surcharge is considered part of the license fee when calculating penalties for late licensing.

Pursuant to 20 V.S.A. § 3590, as amended, the Town’s Board of Selectpersons shall annually certify a list of unlicensed dog and wolf-hybrids as of May 30. Such list shall be given to the Town Clerk and/or Issuing Officials for licensing or further action as required by law.

- B) Immunizations – All domestic pets and wolf-hybrid owners shall have their animals inoculated against rabies in accordance with 20 V.S.A. § 3581, 20 V.S.A. § 3581(a) and any rules adopted by the Commissioner of Agriculture.
- C) Running-at-Large – Neither domestic pets nor wolf-hybrids shall lawfully run-at-large.
- D) Vicious Animals – It shall be unlawful for a domestic pet or wolf-hybrid to threaten attack, attack and/or bite a person or an animal.



1) A person may kill a domestic pet or wolf-hybrid which suddenly assaults him or her or another person, another domestic pet or wolf-hybrid or domestic animal, provided that the attacking domestic pet or wolf-hybrid is not restrained, within an enclosure or on the premises of the owner, and providing the killing is necessary to discontinue the attack, as per 20 V.S.A. § 3545 (a & b). Following such necessary action, the person must notify the Town issuing officials (as per Section 9).

- E) 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 persons in the vicinity is disturbed; or to cause damage to personal property, harass pedestrians or other passersby, attack persons or animals or obstruct traffic.
- F) Defecation – Any dog or wolf-hybrid owner shall immediately clean-up, and properly dispose of, the defecation from his/her dog or wolf hybrid, when said animal defecates on public property, or private property of another.
- G) License – To be worn on collar at all times.
- H) Nuisances – No person shall keep or harbor any dog which:
 - 1. pursues or chases pedestrians;
 - 2. pursues or chases vehicles;
 - 3. causes disturbances or interference at the school grounds or other public places in the Town of Dorset;
 - 4. causes injury to property: i.e., no person owning, keeping or harboring a dog shall permit or suffer it to do any injury or to any damage to any lawn, shrubbery, flowers, grounds or property of any other person.

5. IMPOUNDMENT

- A) Reasons for Impoundment – An enforcement officer may impound domestic pets and wolf-hybrids at a Town-designated impoundment facility for the following reasons:
 - 1. A violation of Subsection 4 (A-H)
 - 2. If such an animal is suspected of having rabies or has an unknown rabies vaccination history.
 - 3. A violation of an order issued under this ordinance.
- B) Impoundment Procedures -
 - I. The Town official who impounds a domestic pet or wolf-hybrid shall notify the owner that his/her animal has been impounded within twenty-four (24) hours of said impoundment. If the owner is unknown, the official shall post a notice in the Town Clerk’s Office, Dorset Post Office and East Dorset Post Office for a period of seven days, describing the impounded animal, and stating when and where said animal was apprehended.



II. The owner may redeem the domestic pet or wolf-hybrid from the impoundment facility by:

- a. paying all due impoundment fees that the facility may charge for boarding and caring for the animal;
- b. inoculating his/her domestic pet or wolf-hybrid against rabies, if the owner cannot provide proof that said animal has been properly immunized;
- c. licensing his/her animal (dog or wolf-hybrid only), if said animal has not been properly licensed; and
- d. satisfying the Animal Warden that the domestic pet or wolf-hybrid is not a threat to animals or humans.

III. Domestic pets or wolf-hybrids that are not redeemed by their owners after ten days of impoundment may be claimed by any person who pays the impoundment costs and all costs of immunization and licensing for said animal. And any domestic pet or wolf-hybrid not claimed after 10 days of impoundment may be humanely destroyed and the attendant cost will be paid by the owner.

- C) Bites – When a domestic pet or wolf-hybrid has bitten a person while off the premises of the owner or keeper and the person bitten requires medical attention, the Issuing Official(s) may impound the animal and may issue an order to chain or muzzle before the animal is released to the owner in accordance with 5B III.

When it is determined that a bite occurred without provocation, the Issuing Official(s) may petition the Board of Selectpersons to destroy the animal. The order to destroy the animal will be sent to the owner or keeper by certified mail, returned receipt requested. Failure to comply with the order will subject the owner or keeper to the penalties provided in 20 V.S.A. § 3551, as amended.

- D) Rabies Suspect – Any domestic pet or wolf-hybrid which is considered a rabies suspect shall be managed in accordance with 20 V.S.A. Chapter 193, subchapter 2 and the rules of the 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.

6. KENNELS

The owner or keeper of two or more domestic pets or wolf-hybrids that are four months old or older kept for sale or breeding, except for his/her own use, shall get a kennel permit from the Town Clerk and in all will comply with 20 V.S.A. 3681. The permit shall expire on March 31 of every year. The permit must be displayed prominently on the kennel premises. The kennel permit does not exempt the dogs or wolf-hybrids from any other license(s) which are required.

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

7. CIVIL DESIGNATION

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



PENALTIES

a. Violations of Subsection 4-A (Licensing) – A penalty of \$40.00 shall be imposed for the initial violation of Subsection 4-A of this Ordinance. The penalty for three or more offenses within a two-year period shall be \$125.00. The waiver fee shall be established at \$25.00 for the first offense, \$40.00 for the second offense within a two-year period, and \$80.00 for all subsequent offenses within a two-year period.

b. Violation of Subsection 4-B (Immunization) - A penalty of \$60.00 shall be imposed for the initial violation of Subsection 4-B of this Ordinance. The penalty for the second offense within a two-year period shall be \$125.00, and the penalty for three or more offenses within a two-year period shall be \$250.00. The waiver fee shall be established at \$40.00 for the first offense, \$65.00 for the second offense within a two-year period, and \$150.00 for all subsequent offenses within a two-year period.

c. Violation of Subsection 4-C (Running At-Large) – A penalty of \$50.00 shall be imposed for the initial violation of Subsection 4-C of this Ordinance. The penalty for the second offense within a two-year period shall be \$75.00, and the penalty for three or more offenses within a two-year period shall be \$100.00. The waiver fee shall be established at \$25.00 for the first offense, \$40.00 for the second offense within a two-year period, and \$60.00 for all subsequent offenses within a two-year period.

d. Violation of Subsection 4-D (Vicious Animals) – A penalty of \$125.00 shall be imposed for the initial violation of Subsection 4-D of this Ordinance. The penalty for the second offense within a two-year period shall be \$250.00, and the penalty for three or more offenses within a two-year period shall be \$500.00. The waiver fee shall be established at \$75.00 for the first offense, \$150.00 for the second offense within a two-year period, and \$300.00 for all subsequent offenses within a two-year period.

1. In addition, with respect to domestic pets or wolf-hybrids that have bitten a human being, the Selectboard may issue an order, in accordance with the procedures and authority set forth in 20 V.S.A. § 3546, to have the animal muzzled, chained, confined, or humanely destroyed.

2. In addition, with respect to domestic pets or wolf-hybrids that have bitten an animal, the Selectboard may issue an order to have the domestic pet or wolf-hybrid muzzled, chained or confined in accordance with the following procedures:

i. When a domestic pet or wolf-hybrid has bitten an animal while off the premises of the owner or keeper, the owner or keeper of the animal that was bitten 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 owner or keeper of the domestic pet alleged to have perpetrated the attack, if known, and any other facts that may assist the Selectboard in conducting an investigation.

ii. The Selectboard, within seven days from receipt of the complaint, shall investigate the charges and as soon as practical thereafter hold a hearing on the matter. If the owner of the domestic pet of wolf-hybrid which is subject to 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 the facts of the complaint.

iii. If the domestic pet or wolf-hybrid is found to have bitten the animal without provocation, the Selectboard shall make such order for the protection of animals or persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. An owner who, after receiving notice, fails to comply with the terms of the order shall be subject to a fine of \$500 for each violation, with a waiver fee of \$350, as well as injunctive relief.

e. Violation of Subsection 4-E (Disturbances) – A penalty of \$50.00 shall be imposed for the initial violation of Subsection 4-E 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 \$40.00 for the first offense, \$75.00 for the second offense within a two-year period, and \$150.00 for all subsequent offenses within a two-year period.

f. Violation of Subsection 4-F (Defecation) – A penalty of \$50.00 shall be imposed for the initial violation of Subsection 4-F of this Ordinance. The penalty for the second offense within a two-year period shall be \$125.00, and the penalty for three or more offenses within a two-year period shall be \$300.00. The waiver fee shall be established at \$40.00 for the first offense, \$75.00 for the second offense within a two-year period, and \$250.00 for all subsequent offenses within a two-year period.

g. Violation of Subsection 4-G (License to be worn on collar at all times) – A penalty of \$50.00 shall be imposed for the initial violation of Subsection 4-G of this Ordinance. The penalty for the second offense within a two-year period shall be \$125.00, and the penalty for three or more offenses within a two-year period shall be \$300.00. The waiver fee shall be established at \$40.00 for the first offense, \$75.00 for the second offense within a two-year period, and \$250.00 for all subsequent offenses within a two-year period.

h. Violation of Subsection 4-H (Nuisances) – A penalty of \$50.00 shall be imposed for the initial violation of Subsection 4-H of this Ordinance. The penalty for the second offense within a two-year period shall be \$125.00, and the penalty for three or more offenses within a two-year period shall be \$300.00. The waiver fee shall be established at \$40.00 for the first offense, \$75.00 for the second offense within a two-year period, and \$250.00 for all subsequent offense within a two-year period.

9. ENFORCEMENT

Issuing officials authorized to enforce this Ordinance shall be the Dorset Animal Control Officer, First and Second Constables of the Town of Dorset, any Bennington County Sheriff or Vermont State Police Officer.

10. APPEALS

a. Any person aggrieved by a decision of the Issuing Official(s) may appeal that decision to the Board of Selectpersons.

b. A person may appeal to the Board of Selectpersons to humanely destroy a vicious dog or dog that has attacked a person or other animal that requires medical attention.



11. SEVERABILITY

If any provision within this Ordinance is for any reason held to be invalid, such action shall not affect the validity of the remaining provisions of this Ordinance.

12. EFFECTIVE DATE

This Ordinance shall become effective sixty (60) days after its adoption by the Dorset Selectboard. However, if any petition is filed under 24 V.S.A. 1973, the taking effect of this Ordinance shall be governed by that statute.

ADOPTED this ____ 18th ____ day of ____ April ____, 2007.

Town of Dorset Selectpersons:

Chris Brooks

Tim Burke

Mike Connors

Mike Oltedal

NOTE: This ordinance has been adapted for use on the Town of Dorset website, the official ordinance can be accessed at the Town Clerk's Office at 112 Mad Tom Rd. East Dorset, VT 05253.

