

TOWN OF MIDDLETOWN SPRINGS
Board of Selectmen

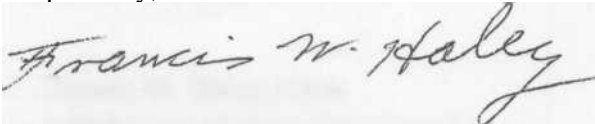
Attention:

The Middletown Springs Selectboard has passed the attached Middletown Springs Town Ordinance, named the "Animal Control Ordinance". **This ordinance was created in response to a town vote on May 9, 2000 requesting the Selectboard to enact such an ordinance. The vote passed 151-55 in favor of the ordinance. .**

It will become effective sixty days after its adoption, which occurred on July 9, 2001. Hence it will be in effect on September 7, 2001 unless a petition signed by five percent of the qualified voters in the Town of Middletown Springs asking for a vote on the question of disapproving the ordinance is filed with the Town Clerk or the Selectboard within forty-four days after the adoption of the ordinance. If such a petition is filed, the Selectboard shall call a special meeting to vote on that question and the ordinance shall become effective at the end of that meeting, unless a majority of those voting on the question disapproves the ordinance.

The full text of the ordinance, including the Selectboard signatures and adoption history may be viewed at the Middletown Springs Town Office. Anyone having questions regarding the ordinance may contact the Selectboard.

Respectfully,



Francis W. Haley, Chair Middletown Springs

Selectboard July 16, 2001

TOWN OF MIDDLETOWN SPRINGS, VERMONT ANIMAL CONTROL ORDINANCE

AN ORDINANCE OF THE TOWN OF MIDDLETOWN SPRINGS RELATING TO CONTROL OF DOMESTIC PETS, AND WOLF-HYBRID BREEDS; PROVIDING DEFINITIONS; OWNER RESPONSIBILITIES; DUTIES OF ANIMAL CONTROL OFFICER; CONDITIONS FOR IMPOUNDMENT AND RELEASE; CRUELTY; NOTIFICATION OF OFFICIALS; PENALTIES; REPEAL; SEPARABILITY; AMENDMENTS; PROVIDING AN EFFECTIVE DATE.

Section 1. Purpose

It is the purpose of this ordinance to regulate the keeping of dogs, domestic pets, and wolf- hybrids; to protect public health and safety; and to protect the residents' quiet enjoyment of their homes and properties.

- Section 2. Authority**
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TOWN OF MIDDLETOWN SPRINGS ANIMAL CONTROL ORDINANCE

AN ORDINANCE OF THE TOWN OF MIDDLETOWN SPRINGS RELATING TO CONTROL OF DOMESTIC PETS, AND WOLF-HYBRID BREEDS; PROVIDING DEFINITIONS; OWNER RESPONSIBILITIES; DUTIES OF ANIMAL CONTROL OFFICER; CONDITIONS FOR IMPOUNDMENT AND RELEASE; CRUELTY; NOTIFICATION OF OFFICIALS; PENALTIES; REPEAL; SEPARABILITY; AMENDMENTS; PROVIDING AN EFFECTIVE DATE.

Section 1. Purpose

It is the purpose of this ordinance to regulate the keeping of dogs, domestic pets, and wolf-hybrids; to protect public health and safety; and to protect the residents' quiet enjoyment of their homes and properties.

Section 2. Authority

Pursuant to 20 V.S.A. Chapters 191 and 193, Section 3549 and 24 V.S.A. Sections 2291 (10) and 1972 (a), the Selectboard of the Town of Middletown Springs, Vermont, hereby adopt the following ordinance to regulate the control of domestic pets, and wolf-hybrids within, the Town of Middletown Springs. This ordinance is designated as a civil ordinance pursuant to 24 V.S.A. Section 1974 (b).

Section 3. Definitions

(A) For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

(B) Animal Control Officer shall mean any constable of the Town of Middletown Springs or any person(s) duly appointed by the Selectboard for enforcement of this ordinance.

(C) At Large shall mean to move at will without restraint, control or limitation to property lines or owner by leash and /or vocal control. Included are all properties public and private other than that of the owner. A dog or dogs engaged in the act of animal herding under the control and direction of an owner or keeper is not considered to be at large.

(D) Domestic Pet shall mean any domestic dogs, domestic/barn/stray cats and domestic ferrets. Wolf-hybrids are not considered to be domestic pets, but are licensed and regulated as domestic pets.

(E) Owner or Keeper shall mean any person who owns a domestic pet or wolf-hybrid and includes any person who has actual or constructive possession of the pet or wolf-hybrid. The term also includes those persons who provide feed or shelter to a domestic pet or wolf-hybrid.

(F) Physical or Vocal Control shall mean when the dog or wolf-hybrid is not on the owner's or keeper's property that such animal is on a leash or harness, is on or in a vehicle or travel cage, is under the supervised verbal command of the owner or keeper.

(G) Pound shall mean the place designated by the Select board of the Town of Middletown Springs to keep domestic pets found by an enforcement officer or citizen to be in violation of any provision of this or referenced state ordinances/statutes.

(H) Under Restraint shall mean:

- 1) on a leash not longer than eight (8) feet, or;
- 2) within a vehicle or travel cage, or,
- 3) on the property of its owner or keeper, or
- 4) animal herding

(I) Vaccination Against Rabies shall mean a vaccine approved by the Vermont Commissioner of the Department of Agriculture, Food and Markets and administered by a licensed veterinarian. Until the Commissioner approves a rabies vaccine for use of wolf-hybrids, these animals shall be vaccinated with a vaccine approved by the Commissioner for domestic dogs.

(J) Vicious Domestic Animal or Wolf-hybrid shall mean an animal, which causes reasonable fear of bodily injury by attacking or threatening to attack any person or domestic animal, except in such case as a person or animal may be in the act of unlawfully trespassing upon the property of the owner or keeper of the subject animal.

(K) Wolf-hybrid shall mean any animal, which is the progeny or descendant of the mating of a domestic dog and a wolf. Wolf-hybrid also means an animal, which is advertised, registered, licensed, or otherwise described or represented as a wolf-hybrid by its owner.

Section 4. Responsibilities of the Owner

- 1) **Licensing.** It shall be the duty of every person owning, keeping or harboring any dog or wolf-hybrid more than six months of age within the Town of Middletown Springs to annually on or before April 1 cause it to be registered with the Town Clerk in accordance with Title 20. Sections 3581-3592 of the Vermont Statutes Annotated, as amended. The owner or keeper will affix a license tag, provided by the town to a collar, which the owner or keeper will cause the dog to wear.
- 2) **Vaccination.** Domestic pets must be inoculated with a vaccine approved by the commissioner of Agriculture, Food and Markets. Vaccines providing three-year immunity for boosters must be used for dogs and cats. Two one-year vaccines are available for ferrets. Wolf-hybrids must be inoculated with rabies vaccines approved for dogs in the same manner as labeled for dogs.

- 3) **Under Restraint.** It is the responsibility of the owner to keep any dog or wolf- hybrid leashed or under restraint regardless of age when on any public property or private lands other than that of the owner.
- 4) **Dogs or Wolf-hybrids at Large.** No owner shall permit a dog or wolf-hybrid to run at large in a street, road, park or common, nor shall the owner allow his/her dog or wolf-hybrid to run at large on other peoples property, namely lawns, gardens, yards, school grounds, parking areas, or other land used or occupied by other person(s) without the permission of the owner of the land.
- 5) **Disturbing of Quietude as Public Nuisance.** It shall be unlawful for any owner to permit or allow his/her dog or wolf-hybrid to habitually howl, bark, or in any way disturb the peace and quietude of the community. Such conduct is hereby declared to be a public nuisance.
- 6) **Nuisance Dog or Wolf-hybrid.** It shall be unlawful for any owner to keep a nuisance dog or wolf-hybrid as herein defined. Dogs and or wolf-hybrids running at large or nuisance dogs or wolf-hybrids may be taken by the Animal Control Officer and impounded in a humane manner. For the purposes of this section, nuisance dog and/or wolf-hybrid means any dog/wolf-hybrid which:
 - (1) molests passers-by or passing vehicles,
 - (2) attacks other animals,
 - (3) trespasses on school grounds,
 - (4) is repeatedly at large,
 - (5) damages private or public property,
 - (6) is unlicensed.
- 7) **Vicious Dog or Wolf-hybrid.** The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and/or wolf-hybrid, and not take such animal out of such building or enclosure unless such dog is securely muzzled and leashed.
- 8) **Unsprayed Females in Heat.** The owner shall confine within a building or secure enclosure every unsprayed female dog or wolf-hybrid in heat in such manner that such animal cannot come in contact with another dog and/or wolf-hybrid except for intentional breeding.
- 9) **Boarding Costs and Penalties.** It is the owner's responsibility to pay all veterinary fees and penalties for violating this ordinance. Such veterinary fees shall include shots, vaccines, boarding and public advertising fees. The penalties, as from time to time, established by the Select board, shall compensate the Town of Middletown Springs for enforcement costs.

- 10) **Animals in Public Buildings.** Owners of domestic pets or wolf-hybrids shall not allow such animals to enter public buildings i.e. school, town offices, municipal buildings, etc.
(exception: guide dog for the blind.)

Section 5. List of Dogs and Wolf-hybrids not Licensed

- 1) In April of each year, the Select board shall cause to be conducted an annual census of unlicensed, inoculated and licensed dogs and wolf-hybrids which shall then be submitted to the Town Clerk.
- 2) By May 1, the Town Clerk shall notify the owners or keepers of all dogs and wolf- hybrids named in the list that have not already been licensed or inoculated that after May 30 the Select board may issue a warrant for impoundment and/or destruction of such animals.

Section 6. Duties of the Animal Control Officer

- 1) It is the responsibility of the Animal Control Officer to attempt to capture any dog or wolf-hybrid running at large and to transport such animal to the pound.
- 2) Immediately after capture, the Animal Control Officer shall check the animal for proper identification. The capture should be recorded on the dog identification form. The time, place, description of the dog and a brief explanation of the circumstances should be logged at the time of capture.
- 3) After transport to the pound the Animal Control Officer shall make every reasonable attempt to identify and notify the owner of any such dog or wolf-hybrid impounded with the procedures for retrieving such animal. The owner will be responsible for all costs relating to the impounding of such animal.
- 4) It is the primary responsibility of the Animal Control Officer to attempt to transport any dog or wolf-hybrid, which is running at large, to the pound and to make a reasonable attempt to identify the owner. The Animal Control Officer shall notify the selectboard of all violations of this ordinance. The animal control officer, or other authorized by the selectboard shall issue a citation and fine in accordance with Section 12, Penalties.

Section 7. Investigation of Vicious Domestic Pets or Wolf-Hybrids

- 1) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premise of the owner or keeper, or if anyone who has personal first hand knowledge that a domestic pet or wolf-hybrid is a menace to travel, is vicious, or has bitten someone while off the premise of the owner or keeper, such person may file a written complaint with the legislative body of the Town of Middletown Springs. The complaint shall contain the time, date and place where the attack or incident occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation required by subsection (2) of this section.
- 2) The legislative body, within seven days from receipt of the complaint, shall investigate the

charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid, 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 the fact's of the complaint.

- 3) If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, or is found to be a vicious domestic animal or wolf-hybrid as defined in Section 3 (J) of this Ordinance, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the civil penalties provided in Section 12 of this Ordinance.
- 4) The procedures provided in this section shall only apply if the domestic pet or wolf- hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of 20 V.S. A. Subchapter 5 and the rules of the Department of Health shall apply. (Appendix A)

Section 8. Impoundment and Condition of Release

- 1) If the owner of keeper does not claim the dog or wolf-hybrid within seven (7) days, such animal may become the property of the pound. The impounded animal may be given to whoever pays the penalties, rabies shots, and necessary licensing fees, or it may be humanely euthanized.
- 2) The pound should keep a record of every dog or wolf-hybrid disposed of by sale or otherwise. Such records should include:
 - a) a description which identifies the animal with reasonable certainty
 - b) the manner of disposing of the animal, and
 - c) if the dog was transferred to another person, the name and address of the transferee. In addition the transferee should sign a statement giving his name, address and date of delivery or receipt of dog.
- 3) No dog or wolf-hybrid should be released from the pound until it is properly licensed and all pound charges, and penalty fees, are paid. The pound should require a receipt from the Town Clerk for the license (if applicable) and penalties.

Section 9. Cruelty

Any person who tortures, torments, or cruelly neglects to provide with necessary sustenance or shelter or who cruelly beats or needlessly mutilates or kills or causes or procures to be tortured, tormented, or deprived of necessary sustenance or shelter or needlessly mutilates or killed, any animal, should be promptly reported to the Humane Society.

Section 10. Notification of Officials

To enforce this ordinance, any person finding any domestic pet upon his property to his injury or annoyance should as soon as possible notify the Animal Control Officer, or selectboard.

Section 11. Enforcement

- 1) The Constable and/or Animal Control Officer of the Town shall be the chief enforcement officers of this ordinance.
- 2) All enforcement officers may use any reasonable means necessary to apprehend a domestic pet in violation of this ordinance for impoundment at a pound designated by the municipality.
- 3) Nothing in this ordinance shall be construed as preventing any person from killing a rabid animal which attacks a person or domestic pet, and a person so killing such rabid or suspected rabid animal shall not be held liable for damages for such killing as specified in 20 V.S.A. Section 3809.
- 4) Citations will be handled by the Vermont Judicial Bureau.

Section 12. Penalties

- 1) As per 24V.S.A. 1974 (B) This ordinance is designated as a civil ordinance. Any person found to have violated any section of this ordinance in cases which involve licensed animals shall be:
 - Notified by written warning for the first offense
 - Fined \$25.00 for the second offense \$50.00 for the third offense \$100.00 for every offense thereafter.The above fines are in addition to the expenses of impounding, if any, and all other lawful charges. Waiver fines shall be one half the specified fine in lieu of court appearance.

2) Any person found to have violated any section of this ordinance in cases which involve unlicensed domestic pets shall be :

Notified by written warning for the first offense
\$50.00 for the second offense \$100.00 for the third
offense \$ 150.00 for every offense thereafter.

The above fines are in addition to the expenses of impounding, if any, and other lawful charges.

Waiver fees shall be one half the specified fine in lieu of court appearance.

All fines shall be paid prior to release of the animal from the pound, should impoundment be necessary.

Section 13. Other Laws

This ordinance is in addition to all other Ordinances of the Town of Middletown Springs and all applicable laws of the State of Vermont.

Section 14. Separability

The provisions of this ordinance are hereby declared to be separable and if any there be adjudged invalid, the invalidity of any part shall not affect the remainder thereof.

Section 15. Amendments

This ordinance may be amended by a majority vote of the Select board at any duly constituted meeting in accordance with V.S.A. 24 Section 1972.

Section 16. Publication and Posting

This ordinance shall be posted in five conspicuous places in town, published in the local newspaper on TciLX ojV> 2001 and shall be filed with the Middletown Springs Town Clerk on Tl yl P /ft , 2001.

Adopted by the Selectboard, Town of Middletown Springs, at its meeting held on

Ju ly °1, , 2001

This ordinance shall become effective the *7 day of SejPT, 2001.

Middletown Springs Selectboard

Francis W. Haley, Chairman

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Henry W. Gerberding

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Shirley D. Moyer, Clerk /0

William H. Reed

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