TOWN OF WEST WINDSOR
ANIMAL CONTROL ORDINANCE

Regulating the Keeping of Dogs and other Domestic Pets in the Town of West Windsor

1. Purpose and Authority

This Ordinance is adopted by the Selectboard of the Town of West Windsor under authority of 20 V.S.A. § 3549 and 24 V.S.A. §2291(10) and (14). The purpose of this Ordinance is to regulate the keeping of Dogs and other Domestic Pets in the Town of West Windsor, so as to protect the public health, safety, and welfare of the Town and the quiet enjoyment of its residents' homes and properties. This Ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

2. Definitions

For purposes of this Ordinance, the following words and phrases shall apply:

Cat means any member of the feline species.

Dog means any member of the canine species. For purposes of this Ordinance, the term Dog, wherever used, shall also include Wolf Hybrid.

Domestic Pet means any Dog, Cat or Ferret.

Enforcement Official means any Constable, Police Officer, Animal Control Officer, Humane Officer, Health Officer, or any other person designated an Enforcement Officer under this Ordinance by the West Windsor Selectboard.

Excessive Noise means any noise created by a Domestic Pet that is audible to those persons, other than the Owner of the Domestic Pet, who are in a location where they are lawfully permitted to be, that is of such volume, duration or frequency that to a reasonable person would be improper and irritating.

Ferret means an animal which is the progeny or descendent of the species *Mustela putorious furo*

Impoundment Expenses means actual expenses reasonably incurred by the Town for the impoundment of a Dog or Domestic Pet, including but not limited to boarding, food, and veterinary expenses.

Judicial Bureau means that department of the Vermont judiciary having jurisdiction to hear municipal ordinance violations and other civil offenses. Information about the Judicial Bureau is available at www.vermontjudiciary.org/judicial-bureau

Owner means any person who owns, harbors, keeps or permits any Dog or Domestic Pet to be kept in or about their buildings or premises, and includes any person who has actual or constructive possession of a Dog or Domestic Pet. The term shall also include those persons who provide feed and shelter to a Dog or Domestic Pet.

Remedial Action means the action of an Owner of a Dog or other Domestic Pet necessary to remedy and cure all violations of this Ordinance and to release the Dog or Domestic Pet from impoundment. Remedial Action may include an agreement to complete a responsible dog owner training course approved by the Selectboard within six (6) months of the date of impoundment.

Running at Large means a Dog which is off the property of its Owner and is not: (1) on a leash, (2) on or within a vehicle, (3) clearly under the verbal command of its owner or keeper or the owner or keeper's agent, or (4) engaged in hunting with its Owner or keeper.

Trespassing means entering or remaining on any land or in any place as to which notice against trespass is given by actual communication by the person in lawful possession or his or her agent or by a law enforcement officer acting on behalf of such person or his or her agent, or by signs or placards so designed and situated as to give reasonable notice.

Wolf Hybrid means an animal which is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*). Wolf Hybrid also means an animal which is advertised, registered, licensed, or otherwise described or represented as Wolf Hybrid by its owner or an animal which exhibits primary physical and behavioral wolf characteristics.

Working Farm Dog means a Dog that is bred or trained to herd or protect livestock or poultry or to protect crops, and that is used for those purposes, and that is registered as a Working Farm Dog under 20 V.S.A. §3581(a).

3. License and Collar

All Dogs shall be licensed in accordance with the laws of this State and shall wear a collar or harness with the current license attached.

4. Care and Shelter

All Domestic Pets shall be furnished with clean and safe facilities sufficient to protect the Domestic Pet and the public health. Owners shall provide their Domestic Pets with adequate food, adequate water, and adequate shelter, as defined in 13 V.S.A. §351.

5. Disturbances and Nuisances

(A) An Owner of a Domestic Pet shall not permit such Domestic Pet to create a nuisance. The following shall be deemed a nuisance:

1. A Dog that is Running at Large.
2. A female Domestic Pet in heat not confined to a building or other secured enclosure, except while under the direct control of the Owner.
3. A Domestic Pet that makes Excessive Noise.
4. A Domestic Pet that causes damage to personal property.
5. A Domestic Pet that scatters refuse.
6. A Domestic Pet that harasses pedestrians, bicyclists or other passersby.
7. A Domestic Pet that attacks persons or other animals.

8. A Domestic Pet that obstructs traffic.

9. A Domestic Pet that causes any person to reasonably fear a bodily injury or sustain a bodily injury by attacking or threatening to attack any person, other than persons who are in the act of trespassing upon the private property of the Owner of the Domestic Pet.

(B) The provisions of this Section 5 pertaining to Running at Large and Excessive Noise shall not apply to a Working Farm Dog if the Working Farm Dog is barking in order to herd or protect livestock or poultry or to protect crops.

6. Vicious Domestic Pets

(A) When a Domestic Pet has bitten a person while the Domestic Pet is on or off the premises of its Owner or 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, the reason the complainant was on the premises of the Owner or keeper (if the complaint relates to an on-premises attack) and any other facts that may assist the Selectboard in conducting its investigation.

(B) The Selectboard, within seven (7) calendar days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the Owner of the Domestic Pet 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 the hearing and a copy of the complaint. In the case of an on-premises attack, the Selectboard shall ask the Animal Control Officer to ascertain if the premises of the Owner or keeper were posted in any way against trespassers.

(C) If the Domestic Pet 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 Domestic Pet is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested, to the Owner. A person who, after receiving notice, fails to comply with the terms of the order, shall be subject to the penalties provided in Section 8 of this Ordinance and 20 V.S.A. §3550, which may include an order from the Civil Division of Superior Court authorizing seizure and disposition of the Domestic Pet.

(D) The procedures provided in this section shall only apply if the Domestic Pet is not a rabies suspect. If an Enforcement Official or Selectboard member determines that the Domestic Pet is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the Vermont Department of Health shall apply.

7. Impoundment

(A). Any Enforcement Official, in addition to any other remedies available by statute or this Ordinance, may impound any Domestic Pet found to be in violation of this Ordinance.

(B) Within twenty-four (24) hours after impounding a Domestic Pet, the Enforcement Official shall give notice to the Owner, informing the Owner of the violation and the Remedial Action necessary to release the Dog from impoundment. If the Owner of the Domestic Pet is unknown, the Enforcement Official shall, within twenty-four (24) hours of impoundment, post a notice in

the Town Clerk's office and three (3) public places in the Town. The posted notice shall include a description of the Domestic Pet, the time and place the Domestic Pet was found or impounded, and the name, address and telephone number of the Enforcement Official. The notice shall be posted for ten (10) days.

(C) An impounded Domestic Pet shall be released to the Owner only after completion of all Remedial Action, payment of all Impoundment Expenses, and the final disposition of a Vicious Dog hearing, if applicable.

(D) If a Domestic Pet is not claimed from impoundment, or the Owner gives notice to the Enforcement Official of forfeiture of ownership, or the Owner fails to take the Remedial Action required to secure the Domestic Pet's release or fails to pay all Impoundment Expenses, the Domestic Pet may be placed in an adoptive home, transferred to a humane society or rescue organization, or humanely destroyed. In such case, the Owner shall remain liable for all Impoundment Expenses.

8. Civil Penalty; Other Enforcement

(A) Any Owner of a Domestic Pet found to be in violation of this Ordinance shall be subject to a Civil Penalty of up to $500.00 per day for each day that such violation continues. An Enforcement Official shall be authorized to act as an issuing municipal official to issue and pursue before the Judicial Bureau a municipal ticket. Each day a violation continues shall constitute a separate violation. An Enforcement Official is authorized to recover Civil Penalties and Waiver Fees in the following amounts for each violation:

	Civil Penalty	Waiver Fee
First Offense	$100.00	$50.00
Second Offense	$200.00	$100.00
Third Offense	$300.00	$200.00
Fourth Offense	$400.00	$300.00
Fifth and Subsequent Offenses	$500.00	$400.00

A municipal ticket may, at the discretion of the Issuing Municipal Official and the Selectboard, be dismissed upon the successful completion – within ninety (90) days - of a mediated neighborhood discussion such as that offered by the Springfield Restorative Justice Center (http://cjnvt.org/center/springfield-restorative-justice-center/) or its like.

(B) In addition to the enforcement procedures available before the Judicial Bureau, the Selectboard may commence a civil action in Superior Court to obtain injunctive or other appropriate relief and may pursue any other remedy authorized by law.

9. Other Laws

This Ordinance is in addition to all other ordinances of the Town of West Windsor and all applicable laws of the State of Vermont.

10. 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.

11. Repeal of Prior Ordinance

The "Town of West Windsor Animal Control Ordinance" as adopted by the Selectboard on June 14, 1999 and thereafter amended, is hereby repealed.

12. Effective Date

This Ordinance shall become effective sixty (60) days after adoption by the Town of West Windsor Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this Ordinance.

Adopted this 29th day of May, 2018.

Town of West Windsor Selectboard

Edwin Johnson, Chair

Brett Myers

Matt Kantola

Adoption History
Agenda item at regular Selectboard meeting held on May 29, 2018.
Read and approved at regular Selectboard meeting on May 29, 2018 and entered in the minutes of that meeting which were approved on _____.
Posted in public places on _____.
Notice of adoption published in the *Vermont Standard* newspaper on _____ with a notice of the right to petition.