

WOLCOTT DOG CONTROL ORDINANCE

PREAMBLE: The Selectboard of the Town of Wolcott, being mindful of the fact that there are numerous dogs running at large in the Town and that these dogs represent not only a danger to young children, but also are a source of annoyance and concern to many citizens, hereby declare that it is in the best interest of the health and safety of all citizens that the keeping of dogs within the Town limits be controlled as hereinafter set forth.

WHEREFORE: The Town of Wolcott, pursuant to Title 20, V.S.A. section 3549 hereby ordains.

1. DEFINITIONS:

- A. "DOG" shall mean male, female and neutered canines
- B. "OWNER" shall mean any person owning or harboring a dog. The head of household having a dog in its possession shall be presumed to be the owner of such dog.
- C. "RUNNING AT LARGE" shall mean any activity of a dog when such a dog is (i) off premises of the owner and (ii) not under the control of the owner or some other person designated by the owner.
- D. "TOWN POUND" shall mean a pound designated by the Selectboard of their agent, whether or not operated by the Town and whether or not located within the Town.
- E. "DOG OFFICER" shall mean any constable, State Police Office, Deputy Sheriff or any other person appointed to the post by the Selectboard.

2. **LICENSE REQUIRED:** The owner of any dog which is kept within the Town and which dog is more than six months old shall cause it to be registered, numbered, described and licensed in accordance with the provisions of 20 VSA Chapter 192, as the same is now in effect or may be amended from time to time. No person shall refuse to exhibit the license of his dog or a receipt therefore to any dog officer when requested to do so.

3. **COLLAR REQUIRED:** An owner or person otherwise in control of a dog within the Town of Wolcott shall provide each such dog with a securely fastened collar or harness whenever such dog shall be off the premises of the owner. A current, valid license of such dog shall be attached thereto. It shall be unlawful for any person other than the owner or a dog officer to remove a license tag from a dog.

4. **FAILURE TO LICENSE:** In addition to the penalties provided hereinafter, all unlicensed dogs, found within the Town, shall be impounded.

5. **RUNNING AT LARGE:** It shall be unlawful for any owner or person in control of a dog to permit the dog to run or be at large within the Town.

6. **BARKING PROHIBITED:** It shall be unlawful for any owner or other person having control of a dog to permit said dog to disturb the quiet of any other person by permitting persistent of unreasonable barking or howling.

7. IMPOUNDING OF DOGS:

A. It shall be the duty of any dog officer to apprehend any dog running at large or which is in violation of paragraphs 2, 3, 4, 5 or 6 of this ordinance and impound such dog in the Town Pound.

B. Upon impounding such dog, the dog officer shall make a record of the breed, color and sex of such dog, where the dog was apprehended and whether it was licensed. The record of the dog officer shall be filed at the Town Clerk's Office within a reasonable time.

C. Within twenty-four (24) hours of impounding, the dog officer shall give notice to the owner or person having the care of such dog, either personally or by written notice left at his dwelling-house. This notice shall be required only if the identity of the owner can reasonably be established within said time. Such notice shall require that the owner or person having control of such dog appear within forty-eight (48) hours and redeem the dog. If the owner of the dog is unknown, the officer shall, within forty-eight (48) hours of impoundment, post an advertisement in the Town Clerk's Office and at least one public place in the Town. Said notice shall describe the dog, state when and where the dog was impounded and declare that unless the owner or person entitled to possession of the dog shall claim the same and pay all charges set forth below within seven (7) days after posting of such notice, the dog officer shall sell the dog, give dog away or dispose of it in a humane way.

8. REDEMPTION OF IMPOUNDED DOGS: The owner of an impounded dog or his agent carrying written authorization may reclaim such dog upon payment of the fees and charges set forth below. It shall be the duty of the dog officer to collect all fees and charges before releasing an impounded dog. The fees and charges shall be as follows:

A. Boarding Charge: Any reasonable fee obtained by the dog officer.

B. Impounding Fee:

i. First Offense---\$20.00

ii. Second Offense---\$30.00

iii. Subsequent Offenses---\$40.00

Notwithstanding the foregoing, any impounded dog which is not currently licensed shall not be released until all delinquent licensing fees are paid and the dog is properly licensed.

9. PRIVATE DETENTION OF DOGS: Any person finding a dog upon his property to his injury or annoyance may hold the same in his possession, giving immediate notice to the Town Clerk or dog officer of the holding and giving a description of the dog and name of the owner, if known.

10. PENALTIES: Any person violating any part of paragraphs 2, 3, 4, 5 or 6 of this ordinance shall be fined not more than \$100.00. In addition thereto, should the subject dog be impounded, the owner shall be fined an additional amount equal to the costs of the impoundment, sale and/or destruction of said dog. The total of said fines shall not exceed \$500.00 per offense.

11. SEPARABILITY: If any portion of this ordinance is, for any reason, held invalid or unconstitutional by any court, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions.

12. **ORDINANCE REPEALED:** All ordinances and parts of ordinances in conflict with the provisions of the ordinances are hereby repealed.

13. **PAYMENT OF FEES TO DOG OFFICERS:** The Town is authorized to pay expenses and fees of the Dog Officers.

**** Amendment adopted February 18, 1999 to be effective April 18, 1999**

**** Section 6 Amended September 7, 2011 to be effective November 6, 2011**

****A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Title 1974a and 1977 et seq. A civil penalty of not more than \$500 may be imposed for a violation of this civil Ordinance, and the waiver fee shall be set at \$100 for the first offense, \$200 for the second offense, and \$300 for all subsequent offenses within a six month period. Each day that the violation continues will constitute a separate violation of this Dog Ordinance.**