

**TOWN OF SANDGATE**  
**Sandgate, Vermont 05250**

**TITLE: DOGS AND WOLF HYBRIDS**

<b>Document Type</b>	<b>Ordinance</b>
<b>Document Number/ Revision</b>	<b>200.02</b>
<b>Original Issue</b>	<b>03/19/2003</b>
<b>Reissue</b>	<b>11/08/2019</b>

**SECTION 1. AUTHORITY:** This ordinance is adopted by the Selectboard of the Town of Sandgate under the authority of 20 V. S.A. § 3 549, 24 V. S.A. § § 2291 (10) and 2291 (14 & 15), and 24 V.S.A. Chapter 59.

**SECTION 2. PURPOSE:** It is the purpose of this ordinance to regulate the keeping of dogs (and wolf hybrids), to protect public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

**SECTION 3. DEFINITIONS:** For purposes of this ordinance, the following words and/or phrases shall apply:

1. "Dog" means any member of the canine species;
2. "Wolf hybrid" means:
  - a. An animal that is the progeny of a dog and a wolf (Canis lupus or Canis rufus);
  - b. An animal that is advertised or otherwise described or represented to be a wolf hybrid;or,
  - c. An animal that exhibits primary physical and/or behavioral wolf characteristics,)
3. "Owner" means any person who has actual or constructive possession of a dog (or wolf hybrid). The term also includes those persons who provide food and shelter to a dog (or wolf hybrid).
4. "Running at large" means that a dog (or wolf hybrid) is not:
  - a. on a leash;
  - b. in a vehicle
  - c. on the owner's property
  - d. on the property of another person with that person's permission;
  - e. clearly under the verbal or non-verbal control of the owner; or, f. hunting with the owner.
5. "Vicious dog (or wolf hybrid) means a dog (or wolf hybrid) that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 354.1.

#### **SECTION 4. DISTURBANCES AND NUISANCES:**

1. No dog (or wolf hybrid) shall run at large in the Town of Sandgate.
2. No dog (or wolf hybrid) shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog (or wolf hybrid).
3. 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.
4. No person shall own, keep or harbor a dog (or wolf hybrid) that disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

#### **SECTION 5. COLLAR AND LICENSE:**

1. 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.
  - ✓ License fees are as follows: \$11.00 for neutered animals; \$16.00 for un-neutered
  - ✓ Fees after April 1 are: \$16.00 and \$23.50 respectively
  - ✓ A \$2.00 surcharge fee will be maintained by the Town of Sandgate in a Fund for administering a rabies control program.
2. A dog (or wolf hybrid) that 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 6. HUMANE CARE OF DOGS [AND WOLF HYBRIDS]:**

All dogs [and wolf hybrids] shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog [or wolf hybrid] determined by (the constable/police/animal control officer/humane officer) to be without such clean and safe facilities may be impounded.

#### **SECTION 7. VIOLATION and ENFORCEMENT:**

Any dog within the limits of The Town of Sandgate found in violation of this ordinance, or in violation of any provision of 20 V.S.A. 3341 et seq, may be impounded, and the penalty provisions of this ordinance and the Statutes of the State of Vermont shall be enforced by the Animal Control Officer, constable, police, or humane officer, or any other person designated by the Board of Selectmen.

#### **SECTION 8. IMPOUNDMENT:**

1. Any dog [or wolf hybrid] that is determined by a [constable/police officer/animal control officer/humane officer] to be a vicious dog [or wolf hybrid] which presents an imminent danger to people or other animals shall be immediately impounded.

2. Any dog [or wolf hybrid] that is apprehended for a third or subsequent violation of any provision of this ordinance shall be impounded.

#### **SECTION 9. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT:**

1. The officer who impounds a 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.
2. If an impounded dog [or wolf hybrid] has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. § 3806. If the owner is unknown, the official shall post a notice in the Town Clerk's Office, and on the bulletin boards within the Town of Sandgate, for a period of 7 days, describing the impounded animal, and stating when and where said animal was captured.
3. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees which may include rabies vaccination and/or other minimal health needs, and, after remedial action by the owner. Remedial action shall include but is not limited to such actions as providing a collar and current license, and providing a plan for compliance with the provisions of this ordinance and with state law.
4. The owner of an impounded animal will have seven (7) days to claim the animal and make arrangements to comply with the provisions of this ordinance.
5. If the impounded animal is not claimed within the seven (7) days, it may be put up for adoption or humanely destroyed. Anyone who adopts the animal will be responsible for all costs of impoundment, immunization, and licensing for said animal. If the animal is not adopted, and the owner is known, the owner will be responsible for all costs to the Town.

#### **SECTION 10. PENALTIES AND CIVIL ENFORCEMENT:**

1. This ordinance is a Civil Ordinance, and enforcement will be processed through the Vermont Judicial Bureau. Violations of this ordinance where the penalty is \$500 or less, including all continuing violations shall be brought before the Judicial Bureau. Violators of this ordinance will be issued a citation(s) designating the offense(s), and a copy will be remitted to the Judicial Bureau or prosecution.
2. A waiver penalty applies when an alleged violator pays the fine without contesting the violation. Payment of the waiver fee shall be affixed to the complaint or notice.
3. The Judicial Bureau hearing officer, on application by the Town of Sandgate, may order that the violation cease.
4. The Town of Sandgate reserves the right to take any case exceeding \$500 to Superior Court for settlement.
5. First offense: \$35.00 full penalty / \$25.00 waiver penalty
6. Second offense: \$75.00 full penalty / \$65.00 waiver penalty
7. Third Offense: Impoundment and impoundment costs, plus \$150.00 full penalty / \$ 130.00 waiver penalty.

8. Subsequent offenses Impoundment and impoundment costs, plus \$150 full penalty / \$130.00 waiver penalty.
9. Any dog (or wolf hybrid) may be humanely destroyed, as provided by Vermont statutes, for being unlicensed, attacks on humans, domestic pets, livestock, or deer.

#### **SECTION 10a. UNLICENSED DOG LIST:**

The owner of an unlicensed dog which is not on the unlicensed list given to the Selectmen by the Town Clerk after May 30 will be subject to a \$10 fine. The owner shall be given a two-week period following receipt of notification of violation to comply with licensing requirements of this ordinance, and if he/she fails to properly license the dog and pay any and all outstanding costs and fines within two weeks of receipt of said notice, then he/she will be subject to a fine of \$150.

#### **SECTION 10b. NON-LICENSING PROVISION:**

Any person who violates any non-licensing provision of this ordinance shall be fined \$35 for the first offense, \$75 for the second offense, and \$150 for the third offense and for each offense thereafter. In addition to the above, said person shall be responsible for all impoundment and boarding fees, and all costs incurred by the Town of Sandgate in prosecuting any violation of this ordinance or related Vermont Statutes, including but not limited to, attorney's fees. The time period to determine repeat offense shall be two years from the date of the first offense.

#### **SECTION 11. BITES:**

When a dog (or wolf hybrid) has bitten a person while off the premises of the owner or keeper, and the person bitten requires medical attention, such person may file a complaint describing the date, time, location, and the nature of the attack with the Board of Selectmen. Within seven days of the complaint, the Board shall conduct an investigation and notify, when possible, the owner or keeper of the animal in question as to the date, time, and location of the hearing.

When it is determined that the bite occurred without provocation the Board of Selectmen shall make an order of protection, which may include, but is not limited to the confinement, chaining, muzzling, or the humane destruction of the animal in question. The order will be sent to the owner or keeper by certified mail, return receipt requested. Failure to comply with the order will subject the owner or keeper to the penalties provided in 20 V.S.A., section 3551, as amended.

#### **SECTION 12. OTHER LAWS:**

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

**SECTION 13. 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 14. EFFECTIVE DATE:**

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

**Revision History:**

<b>Document Number</b>	<b>Date</b>	<b>Actions</b>
200.00	03/19/2003	Approved
200.01	07/18/2011	Reformatted with no change in content except fees updated; list of chapter headings was removed. Approved by Selectboard.
200.02	11/08/2019	Reformatted with no change in content except fees updated; Approved by Selectboard.