

Adopted
8/13/09

TOWN OF HYDE PARK DOG CONTROL ORDINANCE

PREAMBLE: The Selectboard of the Town of Hyde Park, 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 declares that it is in the best interest of the health and safety of all citizens that the keeping of dogs within the Town limits to be controlled as hereinafter set forth.

WHEREFORE: The Town of Hyde Park pursuant to Title 20, V.S.A Section 3549 hereby ordains:

1.
Definitions:

As used in this Ordinance the following words or phrases have the following meanings:

“DOG” shall mean both male and female members of the canis familiaris.

“OWNER” shall mean any adult owning, keeping or harboring a dog, wolf, or wolf-dog hybrid.

“RUNNING AT LARGE” means that a dog (or wolf hybrid) is not:

1. on a leash;
2. in a vehicle;
3. on the owner’s property;
4. on the property of another person with that person’s permission;
5. clearly under the verbal or non-verbal control of the owner; or
6. hunting with the owner in compliance with state statutes for licensing and tagging; owner shall be responsible for any kennel fees resulting from impoundment of stray hunting dogs.

“VICIOUS DOG” shall mean any dog, which bites or snaps at any person while off its owner’s property, or tears at the clothes of any person in an attempt to bite any person, or at the Selectboard’s discretion any dog, which bites, threatens, or harms other domestic animals.

“TOWN POUND” shall mean a pound designated by the Selectboard, whether or not operated by the Town and whether or not within the Town limits.

“OFFICER” shall mean any police officer of the Town of Hyde Park, Constable, State Police Officer, Deputy Sheriff or any other person appointed “Dog Officer” by the Selectboard.

2.
License Required

- A. The owner of any dog whose dog is kept within the Town and is more than six months old shall cause it to be registered, numbered, described and licensed in accordance with the provisions of Title 20, Chapter 193 of the Vermont Statutes Annotated, as the same are 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 thereof to any officer when requested to do so.
- B. A \$2.00 license fee surcharge shall be added to each license fee as permitted under Title 20, 3581c, V.S.A. for funding the Town’s animal and rabies control program (Eff.1/1/95)

3. Collar Required:

An owner or person otherwise in control of a dog within the Town limits shall be responsible to insure that a collar or harness is fastened securely on such dog and that there is attached to the same the license tag issued by the Town and the rabies tag issued by the veterinarian.

4. Failure to License:

A person who keeps a dog contrary to the license and collar provisions of this ordinance shall be guilty of a misdemeanor. All unlicensed dogs found within the limits of the Town shall be impounded.

5. Running at Large Prohibited:

It shall be unlawful for any owner or person controlling the 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 person having control of a dog to permit it to disturb the quiet of any other person by persistent barking or howling. Upon the third complaint of persistent barking a written warning will be issued to the owner of the dog. Repeated offenses may require impoundment of the animal for a given period of time.

7. Impounding of Dogs:

- A. It shall be the duty of any officer to apprehend any dog running at large and to impound such dog at the Town Pound.
- B. Upon the impounding of any dog the officer shall make a record of the breed, color, and sex of such dog, where the dog was caught and whether it was licensed. The record of the impounding officer shall be filed at the Town Clerk's Office.
- C. If the dog is licensed, the impounding officer shall within twenty-four (24) hours give notice to the owner or person having care of such dog, either personally or by written notice left at the owner's dwelling house of the impoundment of such dog.

The Town shall post a notice on the next regular business day in the Town Clerk's Office which 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 as here-in-below set forth. After impounding the dog for a minimum of seven days to a maximum of fourteen days, the dog officer shall transfer the dog to the North Country Animal League, give the dog away or dispose of it in a humane manner.

D. Any person finding a dog upon his property to his injury or annoyance may either remove the same to the Town Pound or hold the same in his possession, giving immediate notice to the Town Clerk and dog officer that he is holding such dog, and giving description of the dog as well as the name of the owner if known.

8. Redemption of Impounded Dogs:

The owner of any 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 or Town Official to collect all fees and charges before releasing an impounded dog.

Boarding Charge: Current kennel rate plus any additional charges

Impounding Fees:

- A. First Offense: \$25.00
- B. Second Offense \$40.00
- C. Subsequent Offenses: \$50.00

All of the above notwithstanding, if any impounded dog is unlicensed, in addition to the fees and charges here-in-above set forth, the dog officer or Town Official shall not release any impounded dog until a license has been obtained as required by paragraph two of this ordinance.

9. Vicious Dogs:

Upon written or oral complaint of any person the Selectboard shall determine whether or not a particular dog complained of is a vicious dog as defined above. In the event that the Selectboard determines any dog to be vicious, the Selectboard may order that dog to be muzzled at all times with a muzzle of sufficient strength to prevent the dog from biting any person. The Selectboard may also order the dog restrained, kenneled or destroyed.

If a dog has acted in a particularly vicious manner the Selectboard may order the dog impounded until the disposition of the case has been settled. The impound fee and all other costs associated with the impoundment will be the responsibility of the owner of the animal. The Selectboard will schedule a hearing within seven (7) days.

If the Selectboard has declared a dog vicious, the Board may publish that information in the local newspaper of record to alert the Town residents to the potential danger posed by a particular animal.

Any dog which has been declared vicious by a Selectboard member of the Town and which is subsequently found unmuzzled and running at large shall be seized and ordered destroyed under Chapter 20 V.S.A. 3545, 3624 and 3745. If any dangerous or rabid dog is found running at large and can not safely be caught and acknowledged, such dog may

be slain by any officer. It shall be unlawful for the owner or person having custody of any dog after receipt of notice by an officer that the dog has bitten any person to sell or give away such dog, or permit it to be taken beyond the limits of the Town without having first obtained permission of the Selectboard.

10. Prohibition of Dogs in Town Cemeteries:

No owner or person in control of any dog shall allow the same to enter any cemetery located within the Town, whether or not such dog may be on a leash or under other restraint or control.

11. Cruelty to Dogs

No owner shall fail to provide his dog or dogs with necessary sustenance or shelter. No person shall torture, cruelly beat, or otherwise torment any dog. No person shall poison any dog or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or dogs. Any person violating any of the above provisions of this ordinance shall be guilty of a misdemeanor.

12. Wolf and Wolf Dog Hybrid:

"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 a wolf-hybrid by its owner or an animal which exhibits primary physical and behavioral wolf characteristics. The commissioner of the Department of Fish and Wildlife shall adopt a rule describing primary physical and behavioral wolf characteristics.

A. License application forms - See attachment "A".

B. Requirements for containment - See attachment "B".

13. Penalties:

A person who violates any of the provisions cited in this ordinance shall be fined an amount not less than \$25.00 nor more than \$250.00. In the event of a continuing violation, each day and each animal involved shall constitute a separate offense.

14. Severability:

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such hold shall not effect the validity of the remaining portions hereof.

15. Applicability:

Either the Hyde Park Dog Control Ordinance or Title 20, Chapter 193 V.S.A., whichever is stricter, shall apply to the regulation of dogs.

Town of Hyde Park

Attachment "A"

WOLF AND WOLF DOG HYBRID
LICENSE APPLICATION FORM
(for present and prospective owners)

NAME: _____ DATE: _____

ADDRESS: _____

Describe physical location of property: (roads, landmarks, neighbors)

Own Rent

If rent, you must have written permission to build a pen on property by landlord to accompany this form.

Breeder Non-breeder

Description of Wolf or Wolf Dog Hybrid:

Female spayed Female Age: _____
 Male neutered Male Age: _____

Color, identifying markings, size, tattoo, background of animal:

If animal is not used for breeding, females are to be spayed at 6 months of age and males neutered before 10 months of age.

Description of Wolf or Wolf Dog Hybrid:

Female spayed Female Age: _____
 Male neutered Male Age: _____

Color, identifying markings, size, tattoo, background of animal:

FACILITY REQUIREMENTS FOR SAFE AND HUMANE
CONTAINMENT OF CAPTIVE WOLVES AND HYBRIDS

Prior to receiving a wolf hybrid license an inspected and approved facility must exist and meet the following minimum requirements.

LAND: A certificate signed and notarized by the land owner authorizing and giving the hybrid owner permission to erect permanent fenced enclosures and contain the animals on the property must be submitted prior to license issuance.

FENCING: Enclosures of comfortable size for the animals and of sufficient strength to prevent escape must exist, this includes pups. The following are intended to be minimums, it is suggested that these minimums be strictly enforced.

ENCLOSURES:

AREA: A single wild wolf's territory is about 10,000 acres. Captive wolves need at least a fourth of an acre (100 x 100'). Enclosures should be enlarged an additional quarter acre for each added animal.

HEIGHT: Chain link fencing should adjoin the ground and extend upwards a minimum of six feet with a two foot extension of lighter weight fence at the top. Overall fence height must be a minimum of eight feet (8'). It is suggested that an electric wire be strung at the top of the fence on the inside of the enclosure to stop jumpers and climbers.

STRENGTH: All primary fence and gates should be of 9 gauge, 2" square, 6' tall chain link (8' chain link fence is preferred).

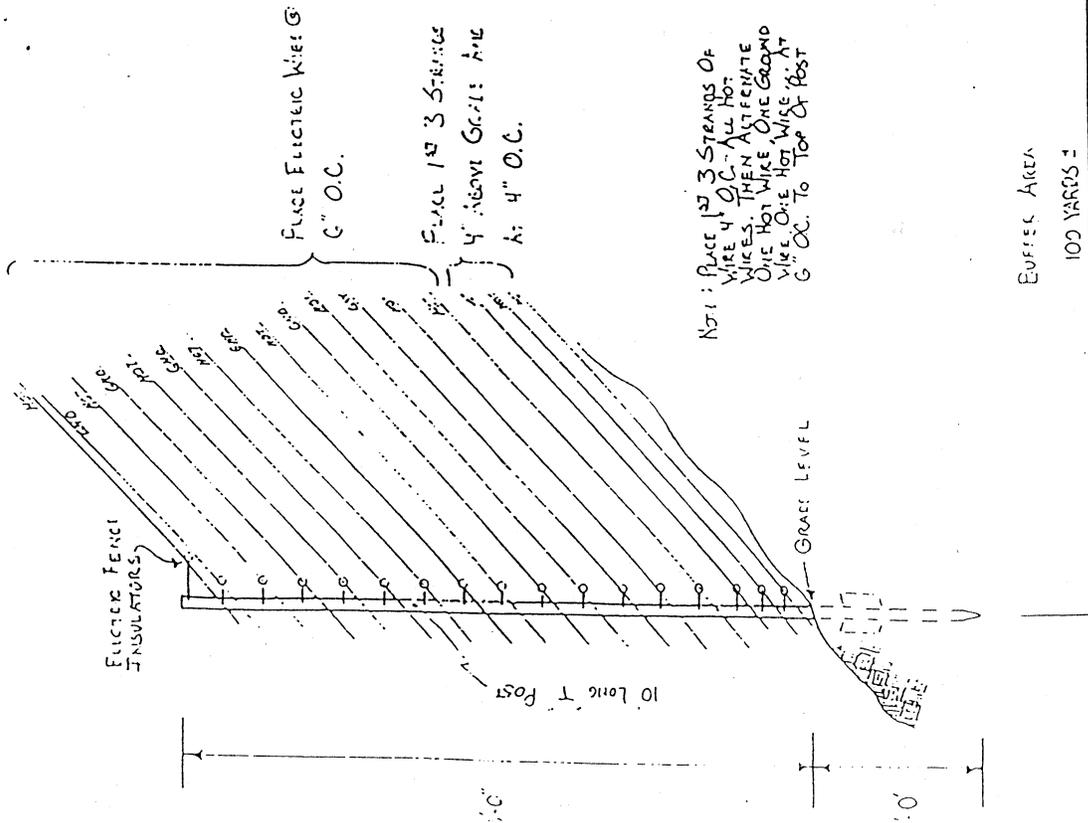
GROUND BARRIERS: Concrete with reinforced mesh should extend two feet vertical into the ground and be attached to the base of the chain link to prevent animals from digging out. In place of concrete, a ground mesh four feet wide may be attached at the base of the chain link lying flat on the ground and extend into the enclosure. Logs, rocks, and soil (2"-6" deep) is placed on top of mesh to act as weight and prevent injury to feet of animals.

GATES: All entrances and exits must have double gates and be at least 6'-6" tall. Latches must be secure and lockable.

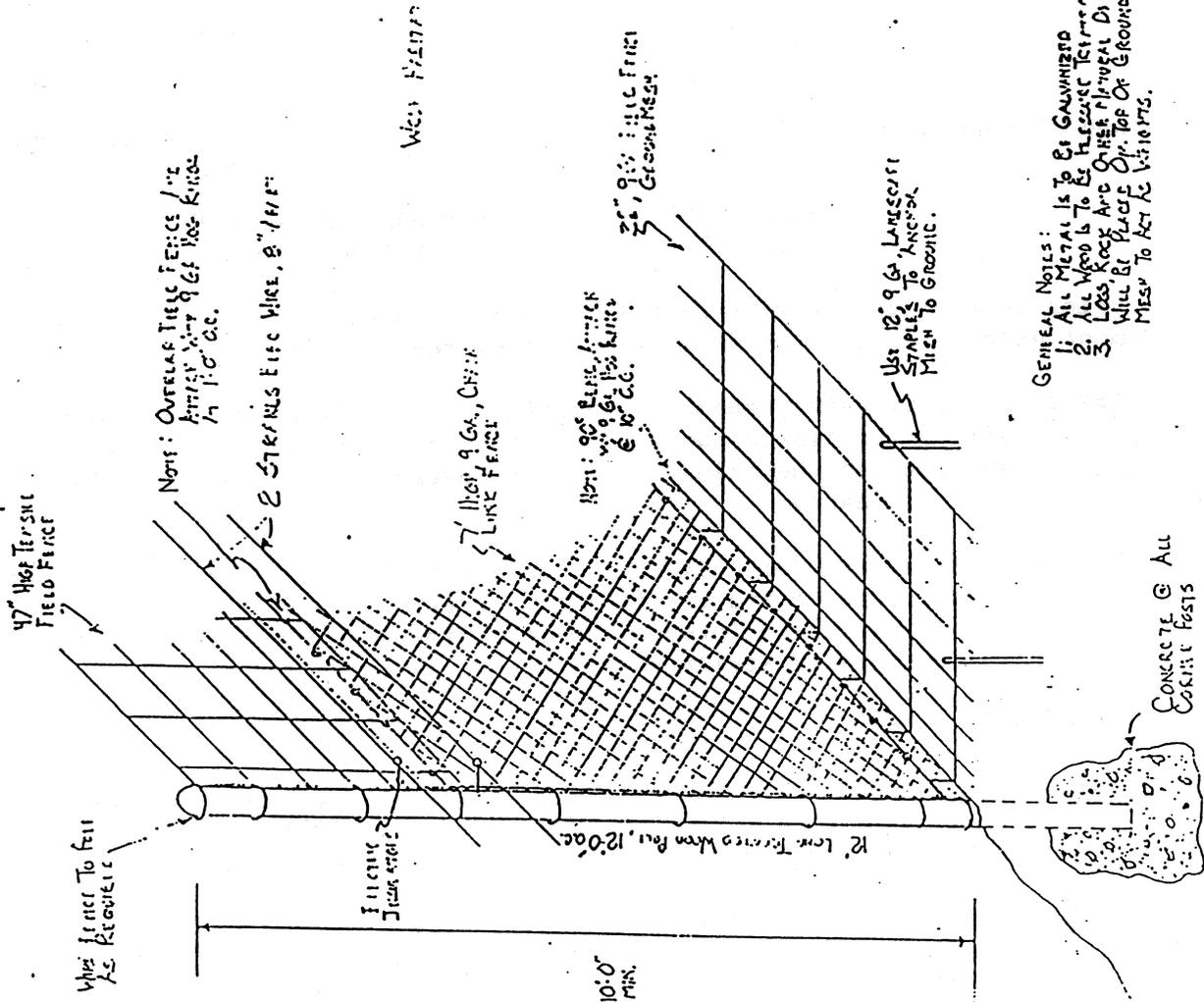
PERIMETER FENCE: A secondary fence at least five feet tall and five feet away from the primary fence must surround the enclosure. This is to prevent people and animals from physically contacting the primary enclosure.

DRAINAGE: The enclosure must provide adequate drainage to allow animals to find dry ground in wet conditions.

8' HIGH, ELECTRIC PERIMETER FENCE



10' HIGH, PRIMARY FENCE



ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on 7/23/09.
2. Read and approved at regular Selectboard meeting on 8/13/09 and entered in the minutes of that meeting which were approved on 8/27/09.
3. Posted in public places on 8/17/09.
4. Notice of adoption published in the News & Citizen newspaper on 8/19/09 with a notice of the right to petition.
5. Other actions (petitions, etc.)