

Town of North Hero Animal Control Ordinance

Section 1: Purpose

It is the purpose of this ordinance to regulate the keeping of dogs, wolf hybrids, and other domestic animals in order to protect public health and safety, protect the quiet enjoyment of resident's homes and properties, and protect the right of residents to enjoy responsible ownership, companionship and service of their dogs, wolf hybrids and other domestic animals.

Section 2: Definitions

For the purpose of this ordinance the following words and/or phrases shall apply:

"Dog" means any member of the domesticated canine species.

"Wolf Hybrid" means an animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*), or advertised or otherwise described or represented to be a wolf hybrid.

"Vicious dog (or wolf hybrid)" means a dog 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. This definition shall not apply if the dog was protecting itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal, as defined **20 V.S.A. 3541**

"Owner" means any person who has actual or constructive care of a dog. The term also includes those persons who provide food and shelter to a dog or domestic animal.

"Enforcement Officer" means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Select Board to police and enforce this Ordinance.

"Running at large" means that a dog is:

- not on a leash; or
- not in a vehicle; or
- not on the owner's premises; or
- not on the premises of another person with that person's permission; or
- not clearly under the verbal or non-verbal control of the owner; or
- not hunting with the owner.

"Domestic animal" means cattle, sheep, goats, equines, swine, poultry and any other domesticated animal.

Section 3: Disturbances and Nuisances

No person shall permit or cause any dog to run at large within the Town of North Hero.

No person shall permit or allow any dog to cause damage, disturbance or annoyance.

Notwithstanding, any dog accompanied by its owner or keeper on the premises of another with permission and which is neither threatening to person, livestock, domestic, or wild animals (except during legal hunting seasons that allow the use of dogs), nor causing damage, disturbance, nuisance or annoyance and is in obvious control of its owner or keeper shall not be considered at large.

No dog shall be allowed to harass or attack other domestic animals or people unless such animals or people are trespassing on the private property of the owner of the dog.

No person shall own, keep or harbor a dog or dogs that disturb the quiet, comfort and repose of others by frequent, excessive, habitual or persistent barking or howling. Such disturbances shall be considered a public nuisance.

Any dog who enters the property of other than its owner or roams the streets, or causes property damage or creates a nuisance shall be deemed to be roaming at large and its owner shall be held to have permitted such dog to go at large.

Section 4: Waste Disposal

The person in control of a dog that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

Section 5: Collar and License

Each dog shall be licensed according to the laws of this state and wear a collar or harness with the current license attached. An animal visiting from out of state must wear a collar or harness with a current license from its home state attached.

A dog that is found without a collar or harness and license may be impounded under authority of **20 V.S.A. 3806** and shall be managed under the provisions of that statute.

Any dog roaming at large on public land or on land other than its owner's may be impounded by the Animal Control Officer of the Town of North Hero, or another designated enforcement officer.

Section 6: Humane Care of Dogs and Domestic Animals

All dogs and domestic animals shall be furnished with clean and safe facilities sufficient to protect the animal and the public health in accordance with **20 V.S.A. 3901** and any specific rules adopted by the Vermont Agency of Agriculture, Food and Markets. Any dog or domestic animal determined by the Animal Control Officer to be without such clean and safe facilities or deemed to be treated cruelly may be seized in accordance with **13 V.S.A. 354**.

Section 7: Enforcement

This is a civil ordinance and shall be enforced by the Animal Control Officer in the Vermont Judicial Bureau in accordance with **24 V.S.A. SS 1974a et seq.** In the event that the Animal Control Officer is temporarily unavailable to investigate a complaint, the Sherriff's Department will respond to a call, take information about the complaint and contact the Animal Control Officer with the information.

Section 8: Nuisances and Fines

Nuisance One: Lack of current license

The owner of a dog found to be without a current license will have 3 days to comply with licensing the dog or face a \$25 fine in addition to licensing the dog.

Waiver Fee: \$15 in addition to licensing the dog.

Nuisance Two: Running at Large

Dogs found running at large will be impounded if the owner is not known and/or available to take custody of the dog.

1st Offence: warning

2nd Offence: \$25 fine Waiver Fee: \$15

3rd & Subsequent Offence \$50 fine Waiver Fee: \$25

Nuisance Three: Disturbing the Peace

A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 30 minutes or more.

1st Offence: warning

2nd Offence: \$25 fine Waiver Fee: \$15

3rd & Subsequent Offence \$50 fine Waiver Fee: \$25

Section 9: Impoundment

Any dog that is determined by an enforcement officer to be a vicious dog which presents an imminent danger to people or other animals may be immediately impounded.

Any dog that is a public nuisance as herein defined shall be in violation of this ordinance and may be impounded.

The procedure provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Select Board or an enforcing officer determines that the animal is a rabies suspect, the provisions of **20 V.S.A. Chapter 193, subchapter 5** and the rules of the Department of Health shall apply.

Any dog so impounded shall be transported to a boarding kennel wherein it shall be kept until released by authority of the impounding officer or agent. The owner of any dog so impounded shall be notified of the impoundment provided the dog is identifiable. Impounded dogs shall be released to the owner only

after payment of reasonable kennel fees and applicable fines, and after remedial action by the owner. Remedial action shall include but is not limited to such actions as providing a collar or harness and current license and providing a plan for compliance with the provisions of this ordinance and with state law. In the event the owner cannot be determined, notices will be placed in the Town Office, Islander, Front Porch Forum, and Lost and Found Animals of Vermont Facebook page.

After all reasonable attempts have been made to contact the owner, including but not limited to posted notices at the Town Office, phone calls, emails, etc. any dog not claimed after 10 days will be relinquished to a suitable humane adoption agency.

The owner of an impounded dog shall also be responsible for paying for any necessary parasite testing or emergency veterinary treatment received while impounded.

The Select Board is hereby empowered to increase the penalties and costs provided for under the provisions of this ordinance by appropriate resolution. The Select Board may make such increases, as it deems appropriate.

Section 10: Appeals

Any owner or keeper of a dog found to be in violation of this ordinance may appeal to the Select Board any action, findings, impoundment charges or boarding fees by filing written notification with the Town Clerk within 7 business days following the payment of any such charges, fees or fines.

The Select Board shall convene a hearing on the appeal. The Select Board, after notice and hearing, may determine to affirm or reverse any or all findings, actions, charges, fees or fines, and may direct the Town Treasurer to return any amounts paid as deemed appropriate.

Section 11: Animal Control Officer Duties

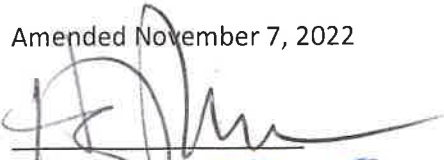
The Select Board shall annually appoint an Animal Control Officer whose duty it shall be to investigate and document complaints of domestic animal nuisances and domestic animal cruelty and to enforce the provisions of this ordinance.

Section 12: 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.

Town of North Hero Select Board

Amended November 7, 2022


Harry Parker, Chair


Karl Raacke


Claire LaVoie


Ben Joseph


Tim Bourne

THE AMENDMENT IS PROPOSED AND APPROVED:

- Introduction of proposed Amendment at regular or special selectboard meeting held on: 9/19/2022
- Approval of Amendment by majority of total membership of selectboard on: 11/7/2022

THE SELECTBOARD NOTIFIES THE PUBLIC OF ITS INTENT TO MAKE THE AMENDMENT EFFECTIVE:

- Ordinance entered into the selectboard minutes on: 11/7/2022
- Copies of the Amendment are posted on 11/11/2022 in the following five conspicuous places in town:
 1. Town Office
 2. Library
 3. Harborside Market
 4. Hero's Welcome
 5. School
- Notice is published in The Islander newspaper circulating in the town on: 11/16/2022, which is not more than 14 days after adoption by the selectboard;
- The newspaper notice includes:
 - Name of the town;
 - Internet address of the town's website
 - Title or subject of the Amendment;
 - Full text or concise summary of the Amendment;
 - Name, telephone number, and mailing address of a town official designated to answer questions and receive comments;
 - Location where the full text of the Amendment may be examined;
 - Explanation of citizens' right to petition pursuant to 24 V.S.A. § 1973 for a vote on the Amendment.

IF THE TOWN DOES NOT RECEIVE A VOTER PETITION WITHIN 44 DAYS OF THE DATE THE SELECTBOARD ADOPTED THE AMENDMENT :

- Amendment will become effective on 1/6/2023 which is 60 days after the date of its adoption, or is a date established by the selectboard - following the expiration of the 60 days as established by the Selectboard;
- No petition received.
- Amendment recorded in town records on: 1/6/2023.

TOWN OF NORTH HERO, VERMONT

North Hero Town Official Website: www.northherovt.com

NOTICE OF AMENDMENT OF TOWN OF NORTH ANIMAL CONTROL ORDINANCE

On November 7, 2022, the Selectboard of the Town of North Hero, Vermont adopted amendments to the existing Town of North Hero Animal Control Ordinance pursuant to 24 V.S.A. § 1971. This notice is published pursuant to 24 V.S.A. § 1972 to inform the public of the amendments and of the citizens' right to petition for a vote to disapprove the amendments.

The Town of North Hero Animal Control Ordinance is being amended to include waiver fees in Section 8 Nuisances and Fines as required by 4 V.S.A. § 1102(d).

The full text of the Ordinance may be examined at the North Hero Town Clerk Office, during regular office hours, located at 6441 US Route 2 or on the Town website: www.northherovt.com.

Title 24 V.S.A. § 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting to disapprove the ordinance amendments adopted by the Selectboard. To exercise this right, citizens must present to the Selectboard or the Town Clerk a petition for a vote on the question of disapproving the amendments signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the amendments. Unless a petition requesting a vote is filed pursuant to 24 V.S.A. § 1973, the amended Town of North Hero Animal Control Ordinance shall become effective sixty (60) days from the date of said adoption.

Additional information pertaining to this Ordinance may be obtained by contacting Robert Arnett, North Hero's Animal Control Officer, at PO Box 38, North Hero, VT 05474, or by calling 802-372-6926 during regular office hours.