

**TOWN OF POWNAL, VERMONT  
DOG AND WOLF HYBRIDS  
ORDINANCE**

**SECTION 1. AUTHORITY**

This ordinance is adopted by the Select Board of the Town of Pownal, Vermont under authority of 20 V.S.A § 3549, 24 V.S.A. § 2291 (10) and § 2291 (14 & 15), and 24 V.S.A. Chapter 59.

**SECTION 2. PURPOSE**

It is the purpose 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:

- A. "Dog" means any member of the canine species.
- B. "Wolf Hybrid" means:
  - 1. An animal which is the progeny of a dog and a wolf (Canis Lupis or Canis Rupus);
  - 2. An animal which is advertised or otherwise described or represented to be a wolf hybrid; or
  - 3. An animal which exhibits primary physical and/or behavioral wolf characteristics.
- C. "Owner" means any person(s) who has actual possession of a dog or wolf hybrid. The term also includes those persons who provide food and shelter to a dog or wolf hybrid.
- D. "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
- E. "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 which, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S. A. § 3541.

#### **SECTION 4. DISTURBANCES AND NUISANCE**

- A. No dog or wolf hybrid shall run at large in the town.
- B. 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.
- C. 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.
- D. No person shall own, keep or harbor a dog or wolf hybrid which disturbs the quiet, comfort and repose of others by frequent, habitual or persistent barking or howling.

#### **SECTION 5. POOPER-SCOOPER**

The person in control of a dog or wolf hybrid which 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 6. COLLAR AND LICENSE**

- A. 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. A dog or wolf hybrid which is visiting from out of state must wear a collar or harness with a current license from its home state attached.

A dog or wolf hybrid which is found without a collar or harness shall be immediately impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.

#### **SECTION 7. 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 Animal Control Officer to be without such clean and safe facilities may be impounded.

#### **SECTION 8. ENFORCEMENT**

This is a civil ordinance and shall be enforced by the Animal Control Officer and in the Vermont Judicial Bureau in accordance with V.S.A. § 1974 a et seq.

## **SECTION 9. IMPOUNDMENT**

- A. Any dog or wolf hybrid which is determined by an Animal Control Officer to be vicious or one which presents an imminent danger to people or other animals shall be immediately impounded.
- B. Any dog or wolf hybrid which is apprehended for a third or subsequent violation of any provision of this ordinance shall be impounded.

## **SECTION 10. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT**

- A. 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.
- B. 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.
- C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees 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.
- D. The owner has the right to contest the alleged violation by requesting a hearing before the Select Board. Such a request must be in writing and received by the Select Board no more than 10 days from the date of the notice of violation.

## **SECTION 11. PENALTIES AND COSTS**

- A. First offense                      Written warning
- B. Second offense                    \$ 25.00 Penalty/\$ 15.00 waiver penalty
- C. Third offense                      Impoundment & impoundment cost, plus \$ 50.00 full penalty/\$ 35.00 waiver penalty
- D. Subsequent offenses            Impoundment and impoundment cost, plus \$ 100.00 full penalty/\$ 75.00 waiver penalty *(The waiver penalty applies when an alleged violator pays the fine without contesting the violation.)*

**SECTION 12. OTHER LAWS**

This ordinance is in addition to all other Ordinances of the Town of Pownal and 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 findings shall not invalidate any other part of this ordinance.

**SECTION 14. EFFECTIVE DATE**

This ordinance shall take effect and be in full force sixty (60) days after its passage, unless a petition is filed as provided by 24 V.S.A. Section 1973 requiring a vote at an annual or special meeting. Such petition shall be filed within 44 days following adoption by the Select Board.

**SECTION 15. INCONSISTENCE PROVISION**

Any prior ordinance or ordinances of the Town of Pownal which are inconsistent with the provision of this ordinance are hereby repealed.

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**DATE**

**SIGNATURES**

## **Adoption History**

1. Agenda item at regular Select Board meeting held on 12/02/04 and 12/09/04
2. Legal review by town's attorney completed on 01/10/05
3. Vermont League of Cities & Towns review on 02/10/05
4. Read and approved at Select Board meeting on \_\_\_\_\_ and entered into the minutes of that meeting which were approved on \_\_\_\_\_
5. Posted in five public places on \_\_\_\_\_
6. Notice of adoption published in the Bennington Banner newspaper on \_\_\_\_\_ with a notice of right to petition (within 14 days of adoption)
7. \_\_\_\_\_ (44<sup>th</sup> day) Last day for any citizen to file a petition
8. Ordinance becomes effective on \_\_\_\_\_.