

DOG AND PET ORDINANCE

Pursuant to the provisions of Title 20, Section 3549 of Vermont Statutes Annotated as amended, it is hereby ordained by the Board of Selectmen of the Town of Brookfield, that the following dog ordinance be adopted.

Section 1. DEFINITIONS: As used in this ordinance the following terms shall have the respective meanings:

- (a) Dogs: Shall include male and female of the canine species and wolf or wolf hybrids.
- (b) Pet: Shall mean any dog, cat, ferret, wolf hybrid or any other animal which is kept for the owner's enjoyment.
- (c) Owner: Shall include any person or persons, firms, associations, or corporations owning, keeping, or harboring a dog, ferret, wolf hybrid or other pet. Unless otherwise identified on the dog or pet license, the head of the household shall be presumed to be the owner of the dog or pet.
- (d) Pound Keeper: Shall mean any person designated by the Selectboard or elected by the Town to serve as authorized dog agent.
- (e) Officer: Shall mean any police officer, game warden, sheriff, constable, the Town Animal Control Officer, the Town Pound Keeper, or any member of the Selectboard if none of the aforementioned officers is immediately available.
- (f) Vicious Animal: Shall mean any dog, cat, ferret, wolf hybrid or any other animal which is kept for the owner's enjoyment which bites, or snaps at any person or tears at the clothes of any person or attempts to bite any person unless such dog or wolf hybrid is actively protecting the owner's property which has been entered unlawfully.

Section 2: RUNNING AT LARGE. All dogs and wolf hybrids within the Town of Brookfield shall be restrained from running at large off the property of the owner. A dog or wolf hybrid shall be deemed to be restrained from running at large when it is kept within an enclosure on the property of its owner or keeper, or is kept on a leash, or is under the immediate control of a competent and responsible attendant. Hunting dogs in training and pursuing legal game and under reasonable control of its owner or keeper shall not come under the provisions of this ordinance.

Section 3: DISTURBANCE BY NOISE. It shall be unlawful for any person owning or possessing a dog or wolf hybrid to permit it to disturb the quiet of any person by habitually crying, barking, or howling for a period of more than 30 minutes, day or night. This section may be acted upon notification in writing by one complainant and one witness by any of the Officers listed in Section 1(e). Complainant shall make a reasonable attempt to contact dog or wolf hybrid owner before contacting the Town.

Section 4: LICENSE REQUIRED. It shall be the duty of every owner of any dog, ferret, or wolf hybrid over 6 months of age, within the Town to procure a license therefore in accordance with Title 20, Sections 3501 to 3592 of the Vermont Statutes Annotated, as amended.

Section 5: IMPOUNDING. Any dog, ferret, or wolf hybrid found running at large within the Town may be taken up by an Officer and impounded. Notice of such impoundment shall be promptly given to the owner if such can be determined. If the owner of such animal is unknown, a notice of such impoundment shall be posted in the Town Clerk's Office.

Section 6: REDEMPTION. An owner may reclaim their impounded dog, ferret, or wolf hybrid upon payment to the pound keeper of the following fees:

FEES: Fine of \$15.00 for a registered or unregistered animal, not wearing dog tag, first offense; \$50.00 for second offense; \$100.00 for third and each subsequent offense, all within a 6 month period, to be paid to the Town. Any additional fees associated with the impoundment (including maintenance and care) of a vagrant animal will be the responsibility of the owner, to be paid to the impoundment facility operator.

Section 7: ANIMAL BITE. The Town shall have the right to impound, for a period of 10 days, any dog, ferret, wolf hybrid, cat, or other domestic animal which is suspected of carrying rabies if the owner of such animal is not immediately known or if an officer determined that such owner cannot adequately provide restraint.

Section 8: DISPOSITION OF UNCLAIMED DOGS AND PETS. It shall be the duty of the Pound Keeper to keep all animals so impounded for a period of 10 days. Any animals not reclaimed within the 10 days may be destroyed within the next 2 days.

Section 9: CRUELTY. Any person who shall torture, torment, or cruelly neglect to provide with necessary sustenance of shelter of shall cruelly beat or needlessly mutilate or kill or cause or procure to be tortured, tormented, or deprived of necessary sustenance or to be cruelly beaten or needlessly mutilated or killed as aforesaid any dog or pet, shall be guilty of violating this ordinance. A fine of \$100.00 and confiscation of such dog or pet will be imposed.

Section 10: PENALTIES. The failure of the owner or keeper of a dog or pet to comply with any section of this ordinance may subject the owner or keeper to a fine of up to \$100.00 and/or disposal of such dog or pet. Any person with an unlicensed dog, wolf hybrid, or ferret within the Town after final license date of April 1st of each year, shall be charged a fine of \$25.00 per animal and 1.5 times the license fee per animal. Any dog, wolf hybrid, or ferret that bites a person in the Town shall be confiscated and impounded for a period of 14 days. Any pound fees, medical expenses, or veterinary fees shall be paid by the owner of the animal. After 14 days, if such animal is safe from rabies or infectious disease, it may be released back to the owner upon satisfaction of damages made to all parties involved, plus pound fees, and a fine imposed by the Town not to exceed \$200.00. If an animal so impounded is proven to have rabies, it shall be destroyed at the owner's expense. The owner of a dog, wolf hybrid, or ferret that attacks another dog or pet shall be fined up to \$100.00 for each incident and must pay any repairs or veterinary bills for injured parties involved. All reports must be filed within 24 hours of such incident to the Town. The Selectboard will meet to review incidents to deem whatever action shall be taken.

Section 11: CIVIL ORDINANCE. This Ordinance shall be a civil ordinance and shall be prosecuted in civil court as provided under Title 24, Sections 1974, 1977 et seq., Vermont

Statutes Annotated as amended. Each violation shall be subject to a fine of up to \$500.00, and the waiver fee shall be set at \$50.00 for the first offense, \$100.00 for the second offense, and \$200.00 for the third offense. Each day a violation continues shall constitute a separate violation of this ordinance.

Section 12: ORDINANCE REPEALED. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 13: SEPARABILITY. 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 provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Dated this 9th day of July, 2001 by the Board of Selectmen, Town of Brookfield, County of Orange, Vermont.

As amended on 24 November 2014.

Attest:

John Benson

Cory Haggett

Jeffrey J. Kimmel