

NOTICE - TOWN OF FRANKLIN - NOTICE DOGS AND WOLF HYBRIDS ORDINANCE AND LEASH LAW

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Franklin, 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 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:

- A. **"Dog"** means any member of the canine species;
- B. **"Wolf hybrid"** means:
 - 1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*);
 - 2. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
 - 3. An animal that exhibits primary physical and/or behavioral wolf characteristics.
- C. **"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].
- D. **"Enforcement Officer"** shall be the Animal control Officer (ACO) appointed by the Selectboard, Town Constable State Police or County Sheriff, Selectboard.
- E. **"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.
- F. **"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. § 3541.

SECTION 4. COLLAR AND LICENSE.

- A. Each dog and/or wolf hybrid six months of age or older shall be licensed according to the laws of this state, Title 20 Sections 3581-3592, and shall wear a collar or harness with the current metal license tag 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.
- B. A dog or wolf hybrid that is found without a collar or harness and metal license tag shall be immediately impounded under authority of 20 V.S.A. § 3806 and shall be managed under the provisions of that statute.

SECTION 5. DISTURBANCES AND NUISANCES.

- A. **LEASH LAW:** No owner may allow a dog to run free without restraint, either on a hitch or rope or within a penned or fenced area, within the Village of Franklin, East Franklin, and the Shoreland/Recreational zoning district around Lake Carmi according to the boundaries as per the current zoning bylaw maps.

- 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, unsplayed 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, while it is in heat.
- D. 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 6. DOGS PURSUING DEER OR MOOSE

- A. A dog that has been found to hunt or pursue deer or moose and whose owner or keeper has had notice to that effect shall not run at large unaccompanied by the owner or keeper.
- B. A state game warden, deputy warden, sheriff, deputy sheriff, constable, police officer, or state police may kill by shooting with firearms, dogs, whether licensed or unlicensed, when in such close pursuit as to endanger the life of a deer or moose or found in the act of wounding, maiming, or killing deer or moose. Provisions of this section shall be subject to limitations set forth in section 4710 of this title. A warden or other person authorized under this subsection who does not kill a dog under the provisions of this subsection shall if possible, locate the owner or keeper of the dog and shall issue a warning that the dog was in violation of this section and each future violation shall result in the owner or keeper being fined not more than \$200.00 nor less than \$50.00.
- C. When a licensed dog is killed pursuant to subsection (b) of this section, the game warden, deputy game warden, sheriff, deputy sheriff, constable, police officer, or state police shall forthwith report the same to the owner of said licensed dog.
- D. No person shall have a cause of action against any of the designated wardens, sheriff, deputy sheriff, constable, police officer, or state police exercising the authority herein granted.

SECTION 7. INVESTIGATION OF VICIOUS DOGS OR WOLF HYBRIDS

- A. When a dog or wolf-hybrid has bitten a person or domestic pet while the dog or wolf-hybrid is off the premises of the owner or keeper, such person may file a written complaint with the legislative body of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation.
- B. When a dog or wolf-hybrid has engaged in pre-bite behavior, including but not limited to menacing, growling, circling, snapping at, aggressively chasing, jumping upon and/or attempting to bite a person or domestic pet, while the dog or wolf-hybrid is off the premises of the owner or keeper, such person or domestic pet owner may file a written complaint with the legislative body of the municipality. The complaint shall contain the time, date and place where the pre-bite behavior occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation.
- C. The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.

- D. If the dog or wolf-hybrid, while off the premises of the owner or keeper, is found to have bitten the victim without provocation or engaged in pre-bite behavior that reasonably threatens the peace, comfort, safety and repose of any person, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the dog or wolf-hybrid is impounded, muzzled, chained, or confined or disposed of in a humane way. The order shall be sent by certified mail, return receipt requested or hand delivered by Police and Animal Control. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.
- E. The procedures provided in this section shall only apply if the dogs or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the department of health shall apply.

SECTION 8. POOPER SCOOPER. The person in control of a dog or wolf hybrid 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 9. 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 10. ENFORCEMENT. This is a civil ordinance and shall be enforced by the Animal Control Officer or Selectboard in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq.

SECTION 11. IMPOUNDMENT.

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

SECTION 12. 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, by telephone call, 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.

