



Town of Danville
 26 Route 2 West, PO Box 183
 Danville, Vermont 05828
<https://danvillevt.gov/>

DOG CONTROL ORDINANCE
Ordinance Regulating Dogs and Wolf-Hybrids
Effective July 15, 2024

SECTION 1. AUTHORITY. This ordinance is adopted by the Town of Danville under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. The purpose of this ordinance is to regulate the keeping of dogs and wolf-hybrids and to provide for their leashing, muzzling, restraint, impoundment and destruction, in order to protect the public health and safety of the Town and preserve the quiet enjoyment of its residents’ homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and phrases shall apply.

DOG means any member of the canine species. This term shall also include “wolf-hybrids” and “working farm dogs” except as otherwise stated.

DOMESTIC ANIMAL [6 V.S.A. § 1151(2)] means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo. The term shall include cultured fish propagated by commercial fish farms.

DOMESTIC PET or PET [20 V.S.A. § 3541(3)] means any domestic dogs, domestic cats, and ferrets. The term shall also include such other domestic animals as the Secretary of Agriculture, Food, and Markets shall establish by rule.

ENFORCEMENT OFFICER means any Police Officer, Constable, Animal Control Officer, Humane Officer, Selectboard Assistant, or any other person designated as an Enforcement Officer by the Selectboard.

IMPOUNDMENT means being held by the Town at a place designated by the Selectboard. Such place may or may not be operated by the Town and may or may not be within Town limits.

LEASH means an instrument consisting of rope, leather, chain, or cord with a fixed clasp on the collar end not to exceed eight feet in length.

OWNER [20 V.S.A. § 3541(6)] means any person who owns a domestic pet or wolf-hybrid and includes any person who has actual or constructive possession of the pet or

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wolf-hybrid. The term also includes those persons who provide feed or shelter to a domestic pet or wolf-hybrid.

POUND and POUNDKEEPER means that place and person, respectively, designated by the Selectboard to keep domestic pets that an Enforcement Officer impounds.

PREMISES means the home and real property of the owner.

RUNNING AT LARGE means that a dog is not:

- a. on a leash; or
- b. in a vehicle; or
- c. on the owner's premises; or
- d. on the premises of another person with that person's permission; or
- e. clearly under the verbal or non-verbal control of its owner.

WOLF-HYBRID [20 V.S.A. § 3541(8)] means an animal that:

- a. is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*); or
- b. is advertised or otherwise described or represented to be a wolf hybrid; or
- c. exhibits primary physical and/or behavioral wolf characteristics.

WORKING FARM DOG [20 V.S.A. § 3541(9)] means a dog that:

- a. is bred or trained to herd or protect livestock or poultry or to protect crops; and
- b. is used for those purposes; and
- c. is registered as a working farm dog pursuant to State law.

SECTION 4. DOG COLLAR AND LICENSE. Each dog shall be licensed according to the laws of this State (see 20 V.S.A. § 3581) and shall wear a collar or harness with the current license attached. A dog visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog kept in town for more than 6 months can no longer be considered visiting and the owner shall license it in town. A dog found without a collar or harness and license shall be in violation of this ordinance and may be immediately impounded.

SECTION 5. NUISANCES.

5.1. Prohibitions. An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

5.1.1. Lack of current license and/or rabies tag. A dog without a collar or harness with the current license and/or valid rabies tag securely attached. A license/tag from the previous year is valid through April 1 of the current year.

5.1.2. Failure to remove waste. A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.

5.1.3. Unconfined dog in heat. A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.

5.1.4. Disturbing the peace. A dog that creates noise audible to persons, other than the keeper or owner of the animal, who are in a location where they are lawfully permitted to be, that is of such volume, duration, or frequency that to a reasonable person would be improper or irritating. This regulation shall not apply to dogs in a facility which is meeting the conditions of an approved zoning permit.

5.1.5. Running at large. A dog running at large (see definition) in the Town.

5.1.6. Physical attack. A dog that, while running at large:

- a. attacks a person, necessitating medical attention; or
- b. inflicts minor injuries on a person not necessitating medical attention; or
- c. chases, worries, threatens to attack, or attacks another domestic pet or domestic animal; or
- d. causes damage to personal or real property; or
- e. chases a person or causes any person to reasonably fear attack or bodily injury from such dog.

This shall not apply if the dog was protecting or defending 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. A dog that commits a physical attack may also be subject to a potentially vicious dog complaint.

5.2. Exemptions.

5.2.1. Working Dogs. The provisions of the sections pertaining to running at large and disturbing the peace shall not apply to working farm dogs if the working farm dog is:

- a. barking in order to herd or protect livestock or poultry or to protect crops; or
- b. running at large in order to herd or protect livestock or poultry or to protect crops.

5.2.2. Rabies Suspect. The procedures provided in this ordinance, including nuisances and potentially vicious dogs, shall only apply if an animal is not a rabies suspect. If a member of the Selectboard or an Enforcement Officer determines that an animal is a rabies suspect, the Selectboard shall immediately notify the Town

Health Officer who shall proceed in accordance with the Vermont Department of Health's rules. See 20 V.S.A. Chapter 193, Subchapter 5. If the animal is determined not to have rabies, normal investigations may resume.

5.3. Cruelty to Animals. This ordinance does not cover Cruelty to Animals, which is a violation of state law (see 13 V.S.A. § 352). Violators face state law tickets and criminal charges from law enforcement or Humane Officers instead of municipal tickets.

SECTION 6. NUISANCE ENFORCEMENT. A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Caledonia County Superior Court, at the election of the Selectboard.

6.1. Complaints.

6.1.1. Informal. Any person may report a nuisance to the Animal Control Officer including the behavior and description of the dog sufficient for an Enforcement Officer to make proper identification. Subject to Selectboard guidance, an Enforcement Officer may or may not investigate informal complaints to accomplish the purpose of this ordinance.

6.1.2. Formal. Any person may file a formal written complaint with the Selectboard or an Enforcement Officer on a form furnished by the Town of Danville. The complaint shall set forth the complainant's name, address, phone number, description of the dog, and circumstances of the alleged nuisance. An Enforcement Officer will investigate all formal complaints.

6.1.3. Potentially Vicious Dog. When a person claims a dog has committed a physical attack, such person may file a written complaint with the Selectboard that the dog is potentially vicious. The complaint shall contain the time, date, and place where the incident occurred, a description of the alleged behavior, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation. An Enforcement Officer will investigate all Potentially Vicious Dog complaints.

6.2. Investigation. After receiving a complaint, an Enforcement Official shall make a reasonable investigation to determine whether a violation of this ordinance has occurred. The owner or the person making the complaint may request to discuss the matter at a Selectboard meeting, in which case the Enforcement Official will not complete the investigation until the Selectboard has met or decided not to take up the matter. If the Enforcement Official reasonably concludes pursuant to his or her investigation that a dog has created a nuisance in accordance with Section 5, he or she may take action to warn the owner, issue a ticket to the owner for penalties and fees as

prescribed in Section 7, and/or impound the dog as prescribed in Section 8.

6.3. Potentially Vicious Dog Hearing. The Selectboard, within 7 calendar days from receipt of a Potentially Vicious Dog complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog 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 a copy of the complaint. See 20 V.S.A. § 3546.

6.3.1. Potentially Vicious Dog. If the Selectboard finds during the hearing a dog has committed a physical attack and is potentially vicious, the Selectboard 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 is muzzled, chained, or confined.

6.3.2. Vicious Dog. If the Selectboard finds during the hearing a dog has bitten a victim without provocation, while the dog was off the premises of the owner, and the person bitten required medical attention for the attack, and therefore the dog is vicious, the Selectboard 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 is muzzled, chained, confined, or disposed of in a humane way.

6.3.3. Protective Order. If, after a hearing on the matter, the Selectboard issues a protective order, a copy shall be sent to the owner by first class mail and certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties in 20 V.S.A. § 3550.

6.4. Judicial Bureau. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and may represent the Town at any hearing.

6.5. Superior Court. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND FEES.

7.1. Penalties. Enforcement Officers are authorized to recover civil penalties for violations of this ordinance in the following amounts for each violation. Offenses shall be counted against the owner, not the dog.

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7.1.1. Lack of current license and/or rabies tag

April 2 to April 15: \$50 fine	Waiver Fee: \$25
April 16 to May 1: \$75 fine	Waiver Fee: \$38
May 2 to May 15: \$100 fine	Waiver Fee: \$50
May 16 to June 1: \$150 fine	Waiver Fee: \$75
June 2 or later: \$200 fine	Waiver Fee: \$100

7.1.2. Failure to remove waste

1st Offense: warning or \$50 fine	Waiver Fee: \$25
2nd Offense: \$50 fine	Waiver Fee: \$25
3rd & Subsequent Offense: \$100 fine	Waiver Fee: \$50

7.1.3. Unconfined dog in heat

1st Offense: warning or impoundment and/or \$50 fine	Waiver Fee: \$25
2nd Offense: impoundment and/or \$50 fine	Waiver Fee: \$25
3rd & Subsequent Offense: impoundment and/or \$100 fine	Waiver Fee: \$50

7.1.4. Disturbing the peace

1st Offense: warning or \$100 fine	Waiver Fee: \$50
2nd Offense: \$200 fine	Waiver Fee: \$100
3rd & Subsequent Offense: impoundment and/or \$400 fine	Waiver Fee: \$200

7.1.5. Running at large

1st Offense: warning or impoundment and/or \$100 fine	Waiver Fee: \$50
2nd Offense: impoundment and/or \$200 fine	Waiver Fee: \$100
3rd & Subsequent Offense: impoundment and/or \$400 fine	Waiver Fee: \$200

7.1.6. Physical attack

1st Offense: warning or impoundment and/or \$200 fine	Waiver Fee: \$100
2nd Offense: impoundment and/or \$400 fine	Waiver Fee: \$200
3rd Offense: impoundment and/or \$500 fine	Waiver Fee: \$250

7.2. Waiver Fees. Enforcement Officers are authorized to recover a waiver fee in lieu of the civil penalty, in the stated amount (shown above in section 7.1), for any person who declines to contest a municipal complaint and instead pays the waiver fee.

7.3. Impoundment Fees. If a dog is impounded, an Enforcement Officer shall recover impoundment fees in addition to any penalties or waiver fees before releasing the dog (see Section 8.4). Impoundment fees are \$50 plus the cost of boarding and any veterinary expenses.

7.4. Offense Counting. An Enforcement Officer may determine that multiple identical or different offenses occur as part of a single incident. Otherwise, determining the sequences of offenses for violations of this ordinance shall be as follows: a subsequent violation that is identical to, and that occurs within 24 months of, a previous violation shall be considered a higher offense (i.e., second, third, or subsequent offense). Any violation that occurs 24 or more months after a previous identical violation shall be considered a new first offense.

7.5. Reckless Owner. Any owner who violates this ordinance 4 or more times within a 12-month period, whether the animals involved or the offenses are identical or not, shall be considered a reckless owner until 24 months pass without further violations. During that period the Enforcement Officer may treat any new violation by dogs of this owner as a 3rd offense. An Enforcement Officer shall issue a notification of this status, in writing by regular mail postage prepaid, to the owner's last known address.

SECTION 8. IMPOUNDMENT.

8.1. Grounds for Impoundment. Any dog may be immediately impounded if the dog:

- a. is found without a collar or harness and license; or
- b. is in violation of State licensing law; or
- c. is an unconfined dog in heat; or
- d. is running at large; or
- e. has been determined by an Enforcement Officer to have committed a physical attack; or
- f. has an unknown rabies vaccination history or is suspected of having been exposed to rabies.

8.2. Impounding. Enforcement Officials may use all reasonable and lawful methods for catching and impounding dogs found to be in violation of this ordinance, including the use of tranquilizing and marking apparatus. On capturing a dog, the Enforcement Official shall transport it to the designated pound where the poundkeeper will care for it until it can be released. If necessary, the Enforcement Officer may identify and arrange for any necessary veterinary services for the dog, in coordination with the poundkeeper and owner.

8.3. Notice of Impoundment.

8.3.1. Known Owner. If the owner is known, within 24 hours of impounding a dog an Enforcement Officer shall give notice to the owner thereof either personally, by telephone call, or by regular mail postage prepaid at the owner's last known address. Such notice shall inform the owner of the nature of the violations, the dog's location, and the necessary steps to have it returned to the owner.

8.3.2. Unknown Owner. If the owner of the dog is unknown, within 24 hours of impoundment an Enforcement Officer shall post a public notice. Notification shall be posted at the Town Office and other usual places for public notice for a 10 calendar day period. The public notice shall include a description of the dog, including any significant marks of identification, and when and where it was impounded or found by the person placing the dog in the town's custody. The public notice must also declare that, unless the owner 1) claims the dog, 2) pays all expenses incurred by the town for treatment, boarding and care of the dog, and any applicable penalties, and 3) takes all necessary remedial action within 10 calendar days following posting, the town may place the dog in an adoptive home or transfer it to a humane society or rescue organization. If the dog cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

8.4. Release from Impoundment.

8.4.1. Release to Owner. Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including, but not limited to, boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after the owner takes all necessary remedial action, as determined by the enforcement officer in consideration of the violation committed. Remedial action shall include, but is not limited to, such actions as providing a collar and current license; verification of certification of current vaccination against rabies; payment of all applicable fines or waiver fees; and proof of satisfactory successful completion of a program designed to improve the owner's understanding and execution of dog ownership responsibilities. If a required veterinary service is not available at the pound, the Enforcement Officer may accept a deposit of approximately twice the cost of the service, to be refunded to the owner on receipt of proof that the dog has received or no longer needs the service.

8.4.2. Owner Forfeiture. If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within 5 calendar days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization; or, if the town is unable to transfer the dog, it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment, and any expenses associated with its transfer or humane disposal.

SECTION 9. OTHER LAWS AND SEVERABILITY.

9.1. Inconsistency. This ordinance is in addition to all other ordinances of the Town of Danville and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

9.2. Supersession. This ordinance specifically replaces and supersedes the previous Danville Animal Control Ordinance, adopted on July 6, 2017, which is hereby repealed, and any other previous animal or dog control ordinances.

9.3. 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.

SECTION 10. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 16th day of May, 2024.

SIGNATURES: */// ORIGINAL SIGNED ON RECORD WITH TOWN CLERK ///*

Janice Ouellette

Alison Lou

Peter Griffin

Glenn Ferrin
