

## BRAINTREE DOG AND WOLF HYBRID ORDINANCE

**SECTION 1. AUTHORITY.** This ordinance is adopted by the Selectboard of the Town of Braintree 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 and ensure the keeping of dogs and wolf hybrids to protect the health and safety of the public.

**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. "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.
- 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; or
  - 5. Clearly under the verbal or non-verbal control of the owner.

### SECTIONS 4 AND 5 RESERVED

### 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. 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 license may be immediately impounded under authority of 20 V.S.A. §3806 and shall be managed under the provisions of that statute.

**SECTION 7. DISTURBANCES & NUISANCES**

- A. 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.
- B. No dog or wolf hybrid previously determined to be a vicious dog or wolf hybrid shall run at large in the town.

**SECTION 8. VICIOUS DOGS OR WOLF HYBRIDS**

- A. When a dog or wolf hybrid bites a person while off the premises of the owner and the person bitten requires medical attention, such person may file a written complaint with the selectboard. The complaint shall contain the time, date, and place where the attack occurred, the name and address of the victim or victims, a description of the injuries and medical attention sought and a general description of the nature of the attack. If such a complaint is filed, the Selectboard shall follow the process set forth in 20 V.S.A. § 3546 for investigating and holding hearings on the complaint. In accordance with 20 V.S.A. § 3546 disposition of the complaint may include destroying the dog or wolf hybrid.
- B. Any dog or wolf hybrid subject to remedial action specified in Section 10, E failing to comply with the remedial actions provided in writing to the owner shall be deemed to have committed a new offense.

**SECTION 9 ENFORCEMENT.** This is a civil ordinance and shall be enforced by the Braintree Constable or animal control officer deputized in writing by the Constable.

**SECTION 10 IMPOUNDMENT.**

- A. Any dog or wolf hybrid that is determined by a constable or police officer to be a vicious dog or wolf hybrid and that presents an imminent danger to people or other animals shall be 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.
- C. 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, if known. Such notice shall inform the owner of the nature of the violations, the location of the animal, and the steps necessary to have the animal returned to the owner.
- D. 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.
- E. Impounded animals shall be released to the owner only after payment of all penalties and 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.

- F. Impounded animals whose owners have not arranged to release the animal within fourteen days of impoundment may be deemed abandoned and will be treated according to 20 V.S.A. §3511 to §3513.

**SECTION 11. PENALTIES AND COSTS.**

- A. First offense    Written warning
- B. Second offense    \$100 plus surcharge (\$20.50)
- C. Subsequent offenses    \$200 plus surcharge and impoundment

**SECTION 12. IMPOUNDMENT FEES**

- A. Any domestic pet or wolf hybrid impounded under the provisions of this ordinance at any impoundment facility designated by the Constable or Selectboard shall be released only on payment of a \$30 impoundment fee; provided, however, that any domestic pet or wolf hybrid so impounded for the third time in any calendar year shall be released only on payment of a \$50 impoundment fee, or if impounded for the fourth time a fee of \$75.
- B. In addition to the impoundment fees charged as above, there shall be a boarding charge paid to the poundkeeper.
- C. The Braintree Selectboard is hereby empowered to increase fees and charges provided for in this section upon resolution passed at a meeting of the Selectboard.

**SECTION 13. 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 14. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Braintree Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Genie Robbins  
Genie Robbins, chair

20 November 2001  
Date

Elaine Stockwell  
Elaine Stockwell

Jocelyn Stohl  
Jocelyn Stohl

Town Clerk certified: Cora Bencir Date: November 20, 2001

**Adoption History:**

- 1) Agenda item at regular Selectboard meeting held on 10/6/01 11/6/01 11/20/01
- 2) Read and approved at regular Selectboard meeting on 11/20/2001 and entered in the minutes of that meeting, which were approved on Dec. 4, 2001.
- 3) Posted in 5 public places on Nov. 26, 2001.
- 4) Notice of adoption published in *The Herald of Randolph* newspaper on 11.29.2001 with a notice of the right to petition.
- 5) Other actions [petitions, etc.]

