

Chapter 3

ANIMALS AND FOWL¹

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ARTICLE I. IN GENERAL²

Sec. 3-1. Animals damaging property prohibited.

No person shall permit a dog, wolf-hybrid, cat or other domesticated animal owned or maintained by him to damage the garden, lawn, shrubbery, or other property of another person.

Sec. 3-2. Diseased animals prohibited to run at large.

No person shall allow any animals that have a disease(s) contagious to other animals or humans to run at large.

Sec. 3-3. Disposal of dead animals.

All carcasses of animals shall be buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.

Sec. 3-4. Maintenance of animals near dwellings and streets restricted.

No animal shall be kept so near the dwelling house of any other person or so near to any public street, lane or alley as to be a nuisance or deleterious to persons residing in the vicinity. The determination and orders of the selectmen in each case shall be final, and all cattle, horses and goat farms, hog pens and hen yards must be kept clean and sanitary and deodorized by the application of dried muck, dried earth or some other effective absorbent or disinfectant. No livestock shall be kept in areas not zone to keep or harbor them.

Sec. 3-5. Penalty.

A person who violates any provision of Article I of this chapter shall be fined one hundred dollars (\$100.00) and the waiver fee shall be fifty dollars (\$ 50.00).

3-6. - 3-14. Reserved.

¹ State law references – State control of animals generally, 20 V.S.A., Ch. 191; State control of dogs, 20 V.S.A., Ch. 193; rabies control, 20 V.S.A., Ch. 195.

² Cross reference – Health and sanitation, Ch. 8.

ARTICLE II. DOGS¹, WOLF-HYBRIDS

DIVISION 1. GENERALLY

Sec. 3-15. Definitions.

As used in this article, the following terms shall have the respective meanings herein assigned to them:

Domestic Pet: “Domestic pet” or “pet” means any domestic dogs, domestic cats, and ferrets. The term shall also include such other domestic animals as the Vermont Secretary of Agriculture, Food and Markets shall establish by rule, provided that the Secretary finds that the animal has the potential to become an imminent danger to public health or welfare if not subjected to the provisions of Vermont law Title 20 Chapter 193.

Domestic Animal: “Domestic animal” means those animals defined by 6 V.S.A. §1151(2).

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

Working Farm Dog: “Working farm dog” means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to 20 V.S.A. 3581(a).

To run at large: To move at will without restraint, control or limitation as to property lines or areas.

Uncontrolled dog or wolf-hybrid: A dog or wolf-hybrid owned or kept by any person which is running at large within the town, including a dog or wolf-hybrid, while on any public way or place, which is not under restraint. A dog or wolf-hybrid is under restraint within the meaning of this article if it is controlled by a leash not more than eight (8) feet long, or is "at heel" beside a competent person and obedient to that person's commands, or is on or within a vehicle. Nothing in this article shall be construed to require the leashing of any dog or wolf-hybrid while on private property by permission of the property owner or his agent, or to restrict the use of dogs or wolf-hybrids for lawful hunting. An uncontrolled dog or wolf-hybrid shall include all dogs and wolf-hybrids which, by reason of habitual or frequent barking, howling or yelping, disturb the peace and quiet of persons of ordinary sensibilities.

Dangerous Dog or Wolf-Hybrid: “Dangerous dog or wolf hybrid” means a dog or wolf hybrid that has attacked, bitten, scratched, or otherwise injured another domestic pet, domestic animal, or a person, or acted in an aggressive manner that would cause reasonable fear of injury when not on the owner’s property. A non-exclusive list of behavior that can be considered aggressive includes lunging, jumping or rearing up, biting, attempting to bite, scratching, attempting to

¹ **Charter reference** – Power to regulate, restrain and control the running at large of dogs, §4(h)[(31)].
State law references – State control of dogs, 20 V.S.A., Ch. 193; rabies control, 20 V.S.A., Ch. 195.

scratch, and chasing.

Wolf-Hybrid: means an animal which is the progeny or descendant of a domestic dog and a wolf. Wolf-Hybrid also means an animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its owner or an animal which exhibits primary physical and behavioral wolf characteristics.

Sec. 3-16. Procedure for handling damage claims occasioned by dogs or wolf-hybrids.

Property damage claims for damage caused by dogs or wolf-hybrids shall be investigated and processed as provided by Title 20, Sections 3741 - 3749, Vermont Statutes Annotated, as amended.

Sec. 3-17. Prohibited at large.

An uncontrolled dog or wolf-hybrid, as defined by Section 3-15, or a dog which has bitten a person other than in defense of property of its owner or in protection of members of its owner's immediate family, shall not run at large or without restraint, except that a dog or wolf-hybrid need not be leashed or otherwise restrained while on property by permission of the owner or his authorized agent, and the use of a dog or wolf-hybrid for lawful hunting may not be restricted. A person who violates this section shall be fined two hundred dollars (\$200.00) and the waiver fee shall be one hundred dollars (\$100.00). A second offense shall be fined five hundred dollars (\$500.00) and the waiver fine shall be two hundred fifty dollars (\$250.00). A third and subsequent offense shall be fined six hundred dollars (\$600.00) and the waiver fine shall be three hundred dollars (\$300.00).

Sec. 3-18. Dogs or wolf-hybrids in heat to be confined.

The owner of any dog or wolf-hybrid in heat shall keep such animal confined within the bounds of such owner's property and shall not permit such animal to be at large within the town. Every such dog or wolf-hybrid running at large is hereby declared to be a public nuisance and shall be impounded in accordance with the provisions of Division 2 of this article and the owner, keeper or person harboring such dog or wolf-hybrid shall be fined one hundred dollars (\$100.00) and the waiver fee shall be fifty dollars (\$50.00).

Sec. 3-19. Keeping of barking, howling dogs or wolf-hybrids prohibited.

No person shall keep or harbor any dog or wolf-hybrid which, by frequent or habitual barking, howling or yelping, disturbs the peace or quiet of persons of ordinary sensibilities. A person who violates this section shall be fined one hundred dollars (\$ 100.00) and the waiver fee shall be fifty dollars (\$ 50.00).

Cross reference – Loud, unusual noises prohibited, § 13-7.

Sec. 3-20. Vicious dog or wolf-hybrid declared nuisance.

A dangerous dog or wolf-hybrid within the meaning of section 3-15 is hereby declared a public nuisance. Upon becoming aware of the existence of such an animal the chief of police or

his designee will notify the owner of the dog or wolf-hybrid of such declaration. This notification will include a copy of this ordinance. The declaration shall take effect five business days after the date of notification.

Owners notified of this declaration may appeal the declaration to the Town Manager and Selectboard within seven days of notification. The owner will be considered notified upon in-hand delivery of a letter notifying them of the declaration or five business days after a letter is sent via registered mail. All restrictions and requirements that result from the chief's declaration shall be in full force and effect during the appeal process.

The owner of a dangerous dog or wolf-hybrid shall be required to keep said animal confined in a secure enclosure to prevent escape. Said enclosure shall include a top and buried or secured sides as may be necessary to prevent escape by way of jumping, digging, climbing, or other reasonably anticipated behaviors.

When walked on any public street or property, or on private property other than the owner's unless written permission from the property owner has been obtained, the owner of a dangerous dog or wolf-hybrid shall secure the dog's mouth with a muzzle and maintain constant control of the dog with a leash or similar restraint in order to prevent violent or threatening behavior.

The owner of a dangerous dog or wolf-hybrid shall purchase and maintain liability insurance on said animal no less than fifty thousand dollars (\$50,000).

Upon transfer of ownership of a dangerous dog or wolf-hybrid, the owner shall notify the receiving party of the designation and associated obligations. The designation and associated obligations shall follow the dangerous dog or wolf-hybrid to the new owner.

In the event a declared dangerous dog or wolf-hybrid acts in a manner as described in the definition of "dangerous dog or wolf hybrid," the dangerous dog or wolf-hybrid may be seized by a police officer or animal control officer. The animal will be held by the town and scheduled to be euthanized no less than 7 days from the date the owner is notified of the seizure. The owner will be considered notified upon in-hand delivery of a letter notifying them of the seizure or five business days after a letter is sent via registered mail.

The owner may appeal the dog's euthanizing to the town manager and selectboard. Such appeal application must occur within the seven day period described above and must be delivered in writing to the police department or town manager's office. Third party appeals will not be entertained. If no appeal is filed, the dog will be euthanized. The owner will be liable for the cost of impounding the dog as well as the euthanasia. If the decision to euthanize is upheld upon appeal the dog will be euthanized and the owner will be liable for the cost of impounding the dog as well as the euthanasia.

A person who violates this section shall be fined eight hundred dollars (\$800.00) and the waiver fine shall be four hundred dollars (\$400.00).

Sec. 3-21. Harassment of police dogs prohibited.

Any person who willfully interferes, by any action whatsoever, with the lawful performance of a dog owned or used by the Brattleboro Police Department or a police agency of the state or any of its political subdivisions shall be fined two hundred dollars (\$200.00) and the waiver fee shall be one hundred dollars (\$100.00).

Sec. 3- 22. Removal of Dog or Wolf-Hybrid Feces.

- a) *Removal from Public Property.* Any owner or person having custody of any dog or wolf-hybrid shall not permit said animal on any public grounds including public streets, alleys, sidewalks, parks, cemeteries, or any other public grounds within the Town of Brattleboro unless said owner or person in control has in his or her possession a mechanical or other device for the removal of excrement; nor shall said owner or person in control fail to expeditiously remove any such excrement deposited by said dog or wolf-hybrid in any such place. For the purpose of this Section, the reference to mechanical or other device shall include, without limitation, a pooper scooper, a trowel, a shovel, a plastic bag or other appropriate container.
- b) *Removal from Private Property.* Any owner or person having custody of any dog or wolf-hybrid shall not permit said animal on any private property other than the premises of the owner or person having custody of said dog or wolf-hybrid unless said owner or person in control has in his or her possession a mechanical or other device for the removal of excrement; nor shall said owner or person in control fail to expeditiously remove any such excrement deposited by said dog or wolf-hybrid in any such place. For the purpose of this Section, the reference to mechanical or other device shall include, without limitation, a pooper scooper, a trowel, a shovel, a plastic bag or other appropriate container.
- c) *Failure to Comply.* Failure to comply with Section 3-25 (a) or (b) shall be deemed a public nuisance and unlawful. Persons found in violation of Section 3-25 (a) or (b) shall be fined fifty dollars (\$50.00) and the waiver fee shall be twenty five dollars (\$25.00). A second or subsequent offense(s) shall be fined one hundred dollars (\$100.00) and the waiver fee shall be fifty dollars (\$50.00).

Sec. 3-23. Confinement of Animals in Vehicles.

A person shall not leave an animal unattended in a standing or parked vehicle in a manner that a reasonable person would believe would endanger the health or safety of the animal.

An officer or animal control officer may use reasonable force to remove such animal from a motor vehicle in order to insure its health and safety. An officer or animal control officer acting in good faith shall not be held liable for criminal or civil damages related to the removal of the animal.

If the owner of the animal cannot be immediately located the officer shall impound the animal at the Windham County Humane Society. The officer shall leave written notice on the

vehicle indicating the date and time of removal, name and agency of the officer, where the animal was impounded, and appropriate contact information.

The owner shall be responsible for all reasonable expenses, including impound, veterinary, and administrative fees.

A person who violates this section shall be fined three hundred dollars (\$300.00) with a one hundred fifty dollar (\$150.00) waiver fine.

Sec. 3-24 – 3-26. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 3-27. License - Required.

It shall be the duty of every person owning, keeping or harboring in the town any dog or wolf-hybrid over six (6) months of age to procure a license therefor in accordance with Title 20, Section 3581 of the Vermont Statutes Annotated, as amended.

The fee for said license shall be as follows:

- a) *Neutered dog or wolf-hybrid* - Mandatory State fees plus local license optional fee surcharge of \$10.00. 20 V.S.A. §3581, (c)(2).
- b) *Unneutered dog or wolf-hybrid* - Mandatory State fees plus local license optional fee surcharge of \$10.00. 20 V.S.A. §3581,(c)(2).
- c) *Police dogs* - Dogs in service to the Brattleboro Police Department or State Police shall pay mandatory State fees only.
- d) *Service dogs* - Dogs specially trained

shall pay mandatory State fees only. A “service animal” is a dog that is individually trained to do work or perform tasks for a person with a disability including a physical, sensory, psychiatric, intellectual, or other mental disability..

- e) *Late payment* - If the license fee is not paid by April 1, the basic fee may be increased by fifty (50) per cent. The surcharge shall not be considered to be a part of the license fee for purposes of calculating a penalty for late payment. In addition, a person who fails to obtain a license for their dog or wolf-hybrid by May 1, shall be fined one hundred dollars (\$100.00) and the waiver fee shall be fifty dollars (\$50.00).

Sec. 3-28. Same - To be worn on collar.

It shall be the duty of every person owning, keeping or harboring in the town any dog or wolf-hybrid to keep on such dog or wolf-hybrid a collar or harness and to fasten securely to the

collar or harness and keep attached to it a metal license tag, whenever such dog or wolf-hybrid shall be off the premises of the licensed owner.

Sec. 3-29. Same - Unlawful to remove; exception.

It shall be unlawful for any person other than the owner or his agent or a member of the police department to remove a license tag from a dog or wolf-hybrid.

Sec. 3-30. Impoundment - Unlicensed dogs or wolf-hybrids.

All unlicensed dogs or wolf-hybrids within limits of the town found in violation of this article shall be impounded.

Sec. 3-31. Same - Dogs or wolf-hybrids at large; dogs or wolf-hybrids in heat; barking, howling dogs or wolf-hybrids.

- a) Any dog or wolf-hybrid found in violation of Sections 3-17 - 3-19 may be impounded in the town animal shelter, as designated by the board of selectmen, and there confined in a humane manner for a period of five (5) days unless sooner reclaimed by its owner, and may thereafter be given away, sold or disposed of by a licensed veterinarian in a humane manner.
- b) When a dog or wolf-hybrid is found in violation of Sections 3-17 - 3-19 either in lieu of impoundment or in addition thereto, the owner or keeper of such dog or wolf-hybrid may be fined for such violation.

Sec. 3-32. Same - Redemption.

The owner shall be entitled to reclaim any impounded unlicensed dog or wolf-hybrid upon compliance with the license provisions of Section 3-27 and the payment of all impoundment fees as hereinafter set forth. Any other dog or wolf-hybrid impounded under this division may be reclaimed upon payment of all outstanding impoundment fees.

Sec. 3-33. Same - Disposition of unclaimed dogs or wolf-hybrids.

Any impounded dog or wolf-hybrid which is not claimed by its owner within five (5) days may be sold or given away to a responsible person, provided, nevertheless, that the owner shall not be deprived of any remedies otherwise provided by law.

Sec. 3-34. Same - Fees. (Amended 12/16/03)

- 1) Any dog or wolf-hybrid impounded under the provisions of this Division or any stray cat brought to the town animal shelter may be reclaimed upon payment by the owner of the fees adopted by the Town of Brattleboro Selectboard that is charged by the Windham County Humane Society in Brattleboro, Vermont, which may change from time to time.
- 2) Fees for the medical treatment or euthanasia of animals related to provisions under this Chapter shall also be consistent with the fees adopted by the Town of Brattleboro

Selectboard that is charged by the Windham County Humane Society, which may also change from time to time.

- 3) The fee schedule adopted by the Town of Brattleboro Selectboard shall be maintained in the Town Offices at all times and shall be available for inspection by the public.

Sec. 3-35 - 3-40. Reserved.

DIVISION 3. RABIES CONTROL

Sec. 3-41. Unlawful to dispose of domestic pet or wolf-hybrid that has bitten a person.

It shall be unlawful for the owner or person harboring any domestic pet or wolf-hybrid, when notified that such domestic pet or wolf-hybrid has bitten any person, to sell or give away such domestic pet or wolf-hybrid or to permit it to be taken beyond the limits of the town, except under the care of a licensed veterinarian. A person who violates this section shall be fined five hundred dollars (\$500.00) and the waiver fee shall be two hundred fifty dollars (\$250.00).

Sec. 3-42. Disposition of biting domestic pet or wolf-hybrid; quarantine.

It shall be the duty of the owner or keeper of any domestic pet or wolf-hybrid upon receiving notice that a domestic pet or wolf-hybrid has bitten any person or another domestic pet or wolf-hybrid, immediately to place such domestic pet or wolf-hybrid in a veterinary hospital where it shall be confined for at least ten (10) days. The owner or keeper shall pay all costs of confinement and care of such domestic pet or wolf-hybrid. In the event that such domestic pet or wolf-hybrid is delivered to a veterinary hospital, notice of the name and location of such hospital shall be furnished to the police department by the owner or keeper of such domestic pet or wolf-hybrid within twenty-four (24) hours. A person who violates this section shall be fined five hundred dollars (\$500.00) and the waiver fee shall be two hundred fifty dollars (\$250.00).

As an alternative to veterinary confinement, a home quarantine may be imposed if, in the exclusive judgement of the Chief of Police, the animal in question is up to date with rabies vaccinations and the owner possesses the ability to keep the animal away from all other people and animals for the ten day (10) period. Due to the emergent nature of the confinement and significant public health risks, the Chief's determination shall not be subject to appeal

Sec. 3-43. Handling of domestic pet or wolf-hybrids bitten by known rabid dogs or wolf-hybrids.

Any domestic pet or wolf-hybrid which is bitten by another domestic pet or wolf-hybrid being rabid or suspected of having rabies shall be immediately confined for observation as provided in section 3-42. The owner or keeper thereof shall pay all costs of confinement and care of such domestic pet or wolf-hybrid.

Sec. 3-44. Reclamation by owner of quarantined domestic pet or wolf-hybrid.

If at the expiration of ten (10) days' confinement the veterinary hospital to which a

domestic pet or wolf-hybrid has been confined for observation as provided in this division shall certify in writing to the chief of police that the domestic pet or wolf-hybrid is not rabid, said domestic pet or wolf-hybrid may be released to its owner upon payment of all costs of confinement and care of such domestic pet or wolf-hybrid.

Sec. 3-45. Notice to police of death of domestic pet or wolf-hybrid held under observation.

The chief of police shall be notified immediately by the veterinarian of the death of any domestic pet or wolf-hybrid held for observation under the provisions of this division in any veterinary hospital.

Sec. 3-46. Testing of head of dead suspected rabid domestic pet or wolf-hybrid.

If any domestic pet or wolf-hybrid is held for observation under the provisions of this division should die while under observation, its brain shall be forthwith delivered to the State Department of Health for examination.

Sec. 3-47. Procedure upon positive diagnosis.

- a) When the chief of police of the town is satisfied that any domestic pet or wolf-hybrid is rabid or has been attacked by a rabid domestic pet or wolf-hybrid, said domestic pet or wolf-hybrid shall be disposed of in a humane manner as he shall direct. When any domestic pet or wolf-hybrid is believed to be rabid or is believed to have been attacked by a rabid domestic pet or wolf-hybrid, the owner shall have the option, to be exercised forthwith, of having the animal destroyed in a humane manner, treated by a licensed veterinarian, or confined in a humane manner for such period as is necessary to determine that it is not rabid, all at said owner's expense.
- b) Upon diagnosis of rabies in any animal within the town, the selectmen shall proclaim a townwide quarantine for a period of thirty (30) days. No domestic pet or wolf-hybrid shall be permitted by its owner or keeper to be in the streets during such quarantine.
- c) During such quarantine any domestic pet or wolf-hybrid bitten by an animal found to be rabid shall, at the owner's option and expense, be forthwith destroyed, be treated for rabies by a licensed veterinarian, or confined for thirty (30) days.
- d) In the event there are additional cases of rabies appearing during the quarantine, such quarantine may be extended by the selectmen for an additional six (6) months.
- e) The carcass of any dead domestic pet or wolf-hybrid which has been exposed to rabies shall upon demand be surrendered to the chief of police who shall direct the disposition of any animal found to be rabid.
- f) No person shall fail to surrender any domestic pet or wolf-hybrid for quarantine or destruction when demand is made thereof by the chief of police. A person who refuses to surrender a dog or wolf-hybrid for quarantine or destruction shall be fined five hundred dollars (\$500.00) and the waiver fee shall be two hundred fifty dollars (\$250.00).