

Animal Control
Ordinance

TOWN OF LOWELL,
VERMONT

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE CONTROL OF
DOMESTIC PETS AND WOLF-HYBRIDS

ARTICLE I: AUTHORITY AND ADOPTION. Pursuant to 20 V.S.A. '3549 and 24 V.S.A. '2291(10), the Select board hereby adopts the following ordinance in order to regulate the keeping of domestic pets and wolf-hybrids in the Town of Lowell.

ARTICLE II: DEFINITIONS. As used in this Ordinance, unless the context otherwise indicates:

- A. "Dog": Shall include both male and female canine species and shall include animals kept as pet, for breeding, or otherwise that are part canine or part other species, including wolf hybrids. However, the inclusion within the definition of breeds that are only partly canine is not intended to and does not vary or lessen any restrictions that are now imposed or may be imposed in the future on such mixed breeds by state statute.
- B. "Owner": shall mean any person, firm, association, corporation, Organization or entity (person or entity) possessing or having the care and custody of or harboring a dog or wolf hybrid. In the event ownership is not claimed by any person or entity, the Owner shall be the person or entity in actual possession of the premises on or in which the dog is kept within town.
- C. "At Large": shall mean off the premises of the owner and not in the presence of and under the control of the owner, a member of the owner's immediate family and/or agent of the owner. Under control shall mean that at all times the dog is prevented from causing injury, damage, disturbance or annoyance of any kind. A dog on a leash shall be deemed under control, *the only exception is for hunting dogs in the act of hunting or field trials.*
- D. "Pound": shall mean any kennel, pound or other facility for holding or housing dogs which is designated by the Select Board and regardless of whether such facility is operated by the Town or within the Town limits
- E. "Enforcement Official": Shall mean any Constable elected by the Town of Lowell, any Police Officer, Sheriff or Deputy Sheriff, State Police Officer,

Animal Control Ordinance

TOWN OF LOWELL, VERMONT

Game Warden or any such other individual(s) as are duly appointed by the Select board to administer this Ordinance;

ARTICLE III: DOG LICENSE REQUIRED

SECTION 1 – License Required – All dog owners shall be required to annually register and license each dog in the manner prescribed by the Town and pursuant to applicable State statute (April 1st of any given year).

SECTION 2 – Rabies Vaccination Required in addition to any other licensing requirements required by State statute all owners shall be required to demonstrate proof of current rabies vaccination as a prerequisite to obtaining a license.

SECTION 3 – License and Rabies Tags to be Worn. All owners shall be required to attach a collar or harness on any dog that may be off the premises of the owner a current license tag issued by the Town and a current rabies vaccination tag.

ARTICLE IV: RUNNING AT LARGE.

SECTION 1 – No owner, keeper or other person shall permit a dog or wolf-hybrid owned by him or under his or her keeping or control, to run at large, *the only exception is for hunting dogs in the act of hunting or field trials.*

SECTION 2 – An owner, keeper or other person who permits a dog or wolf-hybrid to run at large as defined herein shall be subject to such civil penalties or other enforcement remedies as are hereinafter provided and as are otherwise provided by law.

ARTICLE V: GENERAL PROVISIONS.

SECTION 1 – All rules and regulations contained herein, together with such amendments as may be hereinafter adopted are hereby designated as the **IRDUBACE REGULATING THE KEEPING AND CONTROL OF DOGS AND/OR WOLF HYBRIDS WITHIN the TOWN OF LOWELL, VERMONT** Hereinafter referred to as the **ORDINANCE**.

Animal Control Ordinance

TOWN OF LOWELL, VERMONT

SECTION 2 – in the event that any provision of this ORDINANCE shall conflict with any other applicable regulation, rule, by-law, ordinance, or statute of the Town of Lowell, the State of Vermont, or the United States of America, the more restrictive provision shall apply.

ARTICLE VI: RESPONSIBILITIES OF KEEPERS OF DOGS AND/OR WOLF HYBRIDS

SECTION 1 – No person shall, within the Town of Lowell, permit a dog and/or wolf hybrid owned by such person or under her or his keeping and control, to run at large or be beyond the control of such person on any street, sidewalk, park, common, playground, school property, or any other land used or occupied by another.

SECTION 2 – The owner or keeper of a dog or wolf hybrid in the Town of Lowell shall be responsible for restraining said dog and/or wolf hybrid from disturbing the peace and quiet, by barking, biting, howling or by other means.

SECTION 3 – The owner or keeper of a dog or wolf hybrid in the Town of Lowell shall be responsible for restraining said dog and/or wolf hybrid from harassing pedestrians, bicyclists or other passersby, or obstructing traffic.

SECTION 4 – The owner or keeper of a dog or wolf hybrid in the Town of Lowell shall be responsible for restraining said dog and/or wolf hybrid from attacking persons or other animals or causing any person to reasonably fear a bodily injury or sustain a bodily injury by attacking or threatening to attack any person other than persons who are in the act of trespassing upon the private property of the owner or keeper of the domestic pet or wolf-hybrid.

ARTICLE VII: PENALTIES

SECTION 1 – A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Section 1974a and sections 1977 et seq.. For enforcement purposes, the issuing municipal officials are the Enforcement Officials defined in Article II, section E.

SECTION 2 – A Written warning shall be sent to the dog's owner for the first violation of this ordinance. A civil penalty of not more than \$100.00 may be

Animal Control Ordinance

TOWN OF LOWELL, VERMONT

imposed for the second offense within a one-year period (April 1st – April 1st). The penalty for each subsequent offence with in a year from the previous violation shall be \$200.00. The waiver fee shall be set at \$50.00 for the second offense within a one-year period and \$75.00 for each subsequent offence within a year from the previous violation. Each day the violation continues constitute a separate violation of this ordinance.

SECTION 3 – The Select Board may also enforce any order issued under this ordinance, or to prohibit any acts in violation of this ordinance, by petition for injunctive relief.

ARTICLE VIII: VALIDITY

SECTION 1 – All existing Town of Lowell ordinances or parts of ordinances in conflict herewith are hereby repealed

In accordance with the provisions of Title 24, Section 1973, Vermont Statutes Annotated, an ordinance adopted by a municipality may be disapproved by a vote of a majority of the qualified voters of the municipality voting on the question, at an annual or special meeting duly warned for the purpose, pursuant to a petition signed by not less than five per (5%) of the qualified voters of the municipality and presented to the legislative body or the clerk of the municipality within forty-four (44) days following the date of adoption of the ordinance by the legislative body.

SECTION 2 – The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of the this Ordinance which can be given effect without such invalid part or parts.

SECTION 3 – the Town of Lowell as provided by law may amend The Ordinance from time to time.

ARTICLE IX: SEVERABILITY.

SECTION 1 – Any part or provision of this Ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or provision of this Ordinance.

Animal Control
Ordinance

TOWN OF LOWELL,
VERMONT

ARTICLE X: ORDINANCE IN FORCE

SECTION 1 – this Ordinance was adopted by the Town Selectmen at a duly warned meeting of said selectmen held on OCTOBER 05, 2004 and will be effective on DEC. 06, 2004

RECEIVED FOR RECORD OCTOBER 5th, 2004

ATTEST: Nanette Bonneau Town Clerk
Nanette Bonneau