

**TOWN OF HOLLAND
ORDINANCE REGULATING THE KEEPING &
CONTROL OF DOGS AND/OR WOLF-HYBRIDS
WITHIN THE TOWN OF HOLLAND, VERMONT**

Pursuant to the provisions of Title 24, Chapter 59, Title 24, Section 2291 (10), (14), and (15); and Section 3549 of Title 20 Vermont Statutes Annotated, it is hereby ordained by the Town of Holland, Vermont that the protection of the health, safety and well being of the residents of the Town of Holland and the general public requires the establishment of regulations governing the keeping and control of dogs within the Town of Holland.

**ARTICLE I
PURPOSE**

SECTION 1 - This ordinance is adopted for the health, safety, and welfare of the citizens of the Town of Holland.

**ARTICLE II
DEFINITIONS**

SECTION 1 - "Dog" shall include 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.

SECTION 2 - "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 the town.

SECTION 3 - "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.

SECTION 4 - "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.

SECTION 5 - "Enforcement Official" shall mean any Animal Control Officer, Constable, Police officer, Sheriff or Deputy Sheriff, State Police Officer, Game Warden or any person appointed Enforcement Official by the Select Board to enforce the provisions of this ordinance. A person appointed as an Enforcement Official by the Select Board may be a private contractor or resident of another town.

**ARTICLE II
Continued**

SECTION 6 - "Vicious Dog" shall include:

- 6.1** Any dog which without provocation, attacks or bites or has attacked or bitten, a human being or domestic animal or,
- 6.2** Any dog which without provocation, reasonably places a person in fear of being attacked or bitten while the dog is off the premises of the owner or;
- 6.3** Any dog with known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals or;
- 6.4** Any dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance.
- 6.5** Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

SECTION 7 - “Rabies Suspect” shall mean any warm blooded animal whose actions are inconsistent with normal behavior. Failure to provide documentation of valid rabies vaccination shall be presumptive evidence of a rabies suspect.

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 GENERAL PROVISIONS

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

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

ARTICLE V RESPONSIBILITIES OF THE KEEPERS OF DOGS AND/OR WOLF HYBRIDS

SECTION 1 - No person shall permit a dog owned by, or under the keeping and control of said person, to be at large within the Town of Holland.

SECTION 2 - No person shall permit a dog owned by, or under the keeping or control of said person, to be beyond the control of such person on any road or other public property within the Town of Holland.

SECTION 3 - No person shall permit a dog owned by, or under the keeping or control of said person, to disturb the peace and quiet of any other person by excessive barking, biting, howling or by any such means.

ARTICLE VI VICIOUS DOGS

SECTION 1 - Complaint - Any animal control officer, law enforcement officer, legal resident or property owner of the Town, upon knowledge that a dog is vicious, may file a written complaint with the Select Board. the complaint shall contain the name and address of the complaining resident, the time, date and place where any attack(s) occurred, and the name and address of any victim(s), or the complete facts upon which the complaint is based, any other fact that may assist the Select Board and all information known to them about the owner of the vicious dog and the owner’s location and address.

SECTION 2 - Hearing - The Select Board within (21) days from receipt of such complaint shall 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 written notice by United States mail, first class, postage prepaid of the date and place of the hearing and be provided with a copy of the complaint or with actual oral notice at least three business days before the hearing. The Select Board may, but is not obligated to, investigate the complaint itself, or through an agent.

SECTION 3 - Order - If the dog is determined to be a vicious dog as defined in this Ordinance then the Select Board may make such order for the protection of persons as the facts and circumstances of the case may require including without limitation that the dog be disposed of in a humane manner, muzzled, chained, confined or relocated. The order shall be sent by certified mail, with return receipt requested, to the owner of the dog at the owner's last known address.

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 5.

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 imposed for the second offense within a six month period. The penalty for each subsequent offense within a six month period shall be \$200.00. The waiver fee shall be set at \$50.00 for the second offense within a six month period and \$75.00 for each subsequent offense within a six month period. Each day the violation continues shall constitute a separate violation of this ordinance.

SECTION 3 - The Select Board may also elect to 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 Holland 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 cent (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 the 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 this Ordinance which can be given effect without such invalid part or parts.

SECTION 3 - The Ordinance may be amended from time to time by the Town of Holland as provided by law.

ARTICLE IX ORDINANCE IN FORCE

SECTION 1 - This Ordinance shall be in full force and effective sixty (60) days from the date of its adoption unless a petition is filed in accordance with Title 24, Section 1973, Vermont Statutes Annotated in which case the effective date shall be as governed by Title 24, Section 1973(c), Vermont Statutes Annotated.