

TOWN OF CHESTER

AN ORDINANCE FOR THE CONTROL OF DOGS AND WOLF-HYBRIDS IN THE TOWN OF CHESTER, VERMONT

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Chester 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. It is the purpose of this ordinance to regulate the keeping of dogs and wolf hybrids and to provide for their leashing, muzzling, restraint, impoundment and destruction and their running at large, so as to protect the public health and safety of the Town and the quiet enjoyment of its residents' homes and properties.

SECTION 3. DEFINITIONS.

As used in this ordinance the following words and/or phrases shall apply:

A. "Dog" is any animal of the canine species. For purposes of this ordinance, this term, wherever used shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.

B. "Enforcement Officer" means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard.

C. "Owner" is any person or group of persons who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.

D. "Potentially Vicious dog" means a dog running at large that inflicts minor injuries on a person not necessitating medical attention; chases, threatens to attack or attacks another domestic pet or animal as defined in 20 V.S.A. § 3541; causes damage to personal property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition 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.

E. "Running at large" means that a dog is not:

1. On a leash;
2. in a vehicle;
3. on the owner's premises;
4. on the premises of another person with that person's permission;
5. clearly under the verbal or non-verbal control of the owner; or

6. hunting with the owner.

F. "Wolf hybrid" means:

1. An animal that is the progeny of a dog and a wolf;
2. an animal that is advertised or otherwise described or represented to a wolf hybrid; or
3. An animal that exhibits primary physical and/or behavioral wolf characteristics.

G. "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 State law.

SECTION 4 – COLLAR AND LICENSE REQUIRED

It shall be the duty of every person owning, keeping or harboring in the Town any dog over four (4) months of age to procure a license therefore in accordance with 20 V.S.A §§ 3581-3592,

Each dog shall wear a collar or harness with the current licensed attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog that is found without a collar or harness and license shall be immediately impounded.

SECTION 5 - DOGS RUNNING AT LARGE

No person shall permit a dog owned or kept by him to run at large within the Town. A dog, while on any public way or place, shall be kept under restraint. A dog is under restraint within the meaning of this ordinance if the dog is:

- a. securely held on a leash;
- b. within a vehicle preventing escape;
- c. on land owned, or occupied, by such dog owner or keeper, or if not on such land, hunting with its owner or keeper;
- d. in the opinion of the enforcement officer, subject to the verbal command of such owner or keeper and within sight of the owner or keeper and not trespassing upon the lands of others.

Nothing in this ordinance shall be construed to require the leashing of any dog while on private property by permission of the property owner or his agent, or to restrict the use of dogs for lawful hunting.

SECTION 6 - DOG IN HEAT

The owner of any dog in heat shall keep her confined or on a leash at all times, and under control of the owner or agent and shall not permit such dog to be at large within the Town. Every such dog running at large is hereby declared to be a public nuisance and shall be impounded, and the owner, keeper or person harboring such dog shall be guilty of a misdemeanor.

SECTION 7: NUISANCES

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

- A. Running at large in the Town.
- B. 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.
- C. A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 30 minutes or more. This regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel / boarding facility.
- E. The provisions of this section pertaining to running at large and disturbing the quiet, comfort and repose of others shall not apply to working farm dogs if:
 - 1. the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or
 - 2. the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.

SECTION 8. ENFORCEMENT

Any dog allowed to run at large or otherwise to be in violation of any provision of this ordinance, EXCEPT those found to be in violation of the vicious dog laws is hereby declared to be a public nuisance and may be impounded. The owner of any dog impounded, is such owner can be identified, shall be guilty of a violation of this ordinance and subject to the penalties hereinafter provided.

The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Windsor County Superior Court at the election of the Selectboard.

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, [the constable/ police/animal control officer/humane officer] shall be the designated enforcement officer(s). The enforcement officer shall issue tickets and may be the appearing officer at any hearing.

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

SECTION 9. PENALTIES AND COSTS.

- A. First offense \$50.00 full penalty/\$25.00 waiver penalty.
- B. Second offense \$100.00 full penalty/\$50.00 waiver penalty.
- C. Third offense Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$150.00 full penalty/\$75.00 waiver penalty.
- D. Subsequent offenses Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$200.00 full penalty/\$100.00 waiver penalty.
- E. For purposes of determining the sequence of offenses, second and third offenses shall be those that occur within the 12-month period of the anniversary day of the first offense. Any offense occurring after this 12-month period shall be considered a new first offense.
- F. Any owner whose dog has been impounded for its initial third offense shall provide the selectboard with proof of satisfactory completion of a responsible dog owner training course pre-approved by the selectboard within 6 months of the anniversary date of impoundment. Failure to provide such certification may result in forfeiture of the offending animal.
- G. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.
- H. An Impoundment fee in the amount of \$15.00 per day will be assessed for any dog that is impounded.

SECTION 10 - IMPOUNDMENT

- A. Any dog that is determined by a [constable/police officer/animal control officer/humane officer] to be a potentially vicious dog, which presents an imminent danger to people or other animals, has reportedly bitten a person off [or on]¹ the premises of its owner, or is in violation of State licensing law or 20 V.S.A. § 3806 or this ordinance, may be immediately impounded.
- B. A person claiming a dog is a “potentially vicious dog” may file a written complaint with the selectboard. The complaint shall contain the time, date and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the selectboard in conducting its hearing.
- C. Upon receipt of a “potentially vicious dog” complaint” the selectboard shall proceed as in the case of a “vicious dog” complaint with the exception that if the selectboard determines that the behavior classifies the dog as “potentially vicious” the selectboard may order any protective measures be taken absent the dog being humanely destroyed.

SECTION 11. NOTICE OF IMPOUNDMENT AND RELEASE FROM

¹ This ordinance gives a selectboard the option of whether they want to conduct vicious dog hearings for bites that occur *on* the premises of the dog’s owner. Presently under state law, a selectboard is only obligated, and may only hold a vicious dog hearing when the bite occurs *off* the owner’s premises. Choosing this option enables a selectboard to hold such a hearing in both instances. Before making your decision, please be aware that according to the Dog Bite Law Center approximately 70% of all dog bites occur on the owner’s property which means electing this option may result in a marked increase in vicious dog hearings.

IMPOUNDMENT.

- A. The officer who impounds a dog shall, within twenty-four (24) hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the dog and the steps that are necessary to have it returned to the owner.
- B. If the owner of the dog is unknown, the officer who impounds a dog shall, within twenty-four (24) hours of impoundment post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) day period.² The public notice shall include a description of the dog, including any significant marks of identification, when and where it was impounded or found by the person placing the dog in the town's custody, and declare that unless the owner claims the dog and pays all expenses incurred by the town for treatment, boarding and care of the dog, any applicable penalties and takes all necessary remedial action within ten (10) days following posting, the town may place the dog in an adoptive home, 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.
- C. 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 all necessary remedial action is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license, and verification of certification of current vaccination against rabies.
- D. 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 ten (10) 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

² Although state law only requires public notice for a one-week period for an impounded stray dog, the potential reasons for impoundment under this ordinance are broader than those under 20 V.S.A. § 3806. Furthermore, even though the VT Supreme Court has held that "(t)he qualified right to possession of dogs and other animals, and the strong public interest in assuring their permanent placement in a suitable environment, amply supports the town's decision to provide for the sale or transfer of impounded dogs if unclaimed after seven days..." *Lamare v. North Country Animal League*, 170 Vt. 115 at 123 (1999) the Court in that case mostly looked to other jurisdictions around the country for guidance as to appropriate notice periods as Vermont law was up until that time largely silent. Considering that the VT Legislature, in amending 20 V.S.A. § 3621, imposed a ten-day period to attempt to transfer to animal shelters or rescue organization dogs impounded following a selectboard's grant of a warrant for all unlicensed dogs, we would recommend following this longer ten day timeframe.

humane disposal.

E. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the selectboard to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the rules of the Vermont Department of Health.

SECTION 12. INVESTIGATION OF VICIOUS DOGS.

- A. When a dog has bitten a person while the dog is off [or on]³ the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the selectboard of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the selectboard in conducting its investigation.
- B. The selectboard, within seven (7) days from receipt of the 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.
- C. If the dog is found to have bitten the victim without provocation, 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 disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

³ This ordinance gives municipalities the option of conducting “vicious” dog hearings for bites that occur *ON* the premises of the owner and in other instances in which a dog is suspected of being a “potentially vicious dog.” Those municipalities availing themselves of this option should be aware that doing so is not without a risk of increased liability exposure. The reason the Town of Poultney escaped liability in *Rubin v. Town of Poultney*, 168 Vt. 624 (1998) was because the Town had not assumed a duty of care beyond that provided by statute. “In this case, defendants’ ability to exercise control over dogs exists in narrowly circumscribed conditions and is statutory, not contractual, in nature. ... The town’s right to control dogs that bite does not give rise to a generalized duty to control vicious dogs.” *Rubin v. Town of Poultney*, 168 Vt. 624 (1998). In utilizing this process when not mandated by statute to do so municipalities are representing that they will undertake a duty of care that they are not otherwise obligated to conduct. Breach of this duty of care could result in a claim of negligence. Accordingly, municipalities instituting these options should be sure to hold a hearing when a complaint is received and adhere to the processes laid out for “vicious” dog hearings including rendering a protective order if found in violation. Furthermore, a municipality undertaking these additional responsibilities should anticipate an associated increase in administrative and enforcement costs related to compliance. Both these factors must be weighed against the projected benefits of addressing these issues before they become a problem.

- E. It shall be unlawful for the owner or person harboring any dog, when notified that such dog has bitten any person to sell or give away such dog, or to permit it to be taken beyond the limits of the town, except under the care of a licensed veterinarian.
- D. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the selectboard or a municipal official designated by the selectboard determines that the dog is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the Vermont Department of Health shall apply. If the dog is deemed healthy, the terms and conditions set forth in the selectboard's order shall be enforced.

SECTION 13 - CRUELTY

Any person who shall torture, torment, or cruelly neglect to provide with necessary sustenance, or shelter, or shall cruelly beat or needlessly mutilate or kill or cause or procure to be tortured, tormented, or deprived of necessary sustenance or to be cruelly beaten or needlessly mutilated or killed as aforesaid any dog, shall be guilty of a misdemeanor.

SECTION 14. OTHER LAWS

This ordinance is in addition to all other ordinances of the Town of Chester 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.

SECTION 15 - 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.

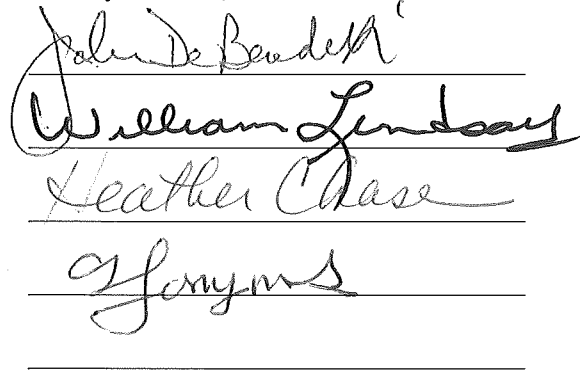
SECTION 16 - AMENDMENTS

This ordinance may be amended by a majority vote of the Board of Selectmen at a meeting called for the purpose of considering such amendments.

SECTION 17 - EFFECTIVE DATE OF ADOPTION AS FOLLOWS

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

Adopted this 17th day of June, 2015.



Adoption History

1. Agenda item at regular selectboard meeting held on June 3, 2015.
2. Read and approved at regular/special selectboard meeting on June 17, 2015 and entered in the minutes of that meeting which were approved on June 18, 2015.
3. Posted in public places on June 18, 2015.

This ordinance adopted by the undersigned legislative body of the Town of Chester on the 16th day of August, 1972, and entered into the minutes of the said Town on that date, shall become effective on the 16th day of October, 1972.

/s/ Russell H. Leitch
/s/ John C. Pierce
/s/ Norman R. Heald
/s/ Cecil Waldo
/s/ Hazen Jameson
Selectmen, Town of Chester

Filed for record in the Town Act Book on August 16, 1972.

Attest: Retha C. Kendall, Asst. Town Clerk

This Ordinance is hereby amended this 17th day of July, 1996, to revise the violation penalties and unless a petition is filed within 60 days of adoption, shall become effective on the 17th day of September, 1996.

/s/ Carol L. Balch
/s/ Michael R. Westine
/s/ Richard G. Jewett
/s/ Samuel B. Capogrossi
Board of Selectmen

This Ordinance is hereby amended this 9th day of January, 2002, to revise the references to the Vermont Statutes, further explain the definition of a “vicious dog,” and require removal of fecal material by dog owners, and, unless a petition is filed within 60 days of adoption, shall become effective on the 9th day of March, 2002.

_____/s/ Carol L. Balch_____
_____/s/ Richard G. Jewett_____
_____/s/ William A. Lincoln_____
_____/s/ Michael J. LeClair_____
_____/s/ William L. Lindsay_____
Selectmen, Town of Chester

Dated at Chester, Vermont, this 9th day of January, 2002.

**VLCT MODEL RULES OF PROCEDURE
FOR
SELECTBOARD VICIOUS DOG/WOLF-HYBRID HEARINGS**

A. PURPOSE. The Selectboard of the Town of Chester is required by 20 V.S.A. § 3546 to conduct a hearing when a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, the person bitten requires medical attention for the attack, and the person bitten has filed a written complaint with the Selectboard. The purpose of these rules is to establish uniform procedures for conducting such vicious domestic pet or wolf-hybrid hearings and to ensure compliance with Vermont's Open Meeting Law.

B. APPLICATION. These rules of procedure shall apply to all vicious domestic pet or wolf-hybrid hearings conducted by the Town of Chester Selectboard. A copy of these rules shall be provided to each party bringing a complaint before the Selectboard. The Selectboard Chair shall conduct the hearing in the following manner:

C. PROCEDURE.

1. The chair of the Selectboard, or in the chair's absence, the vice-chair, shall chair all vicious domestic pet or wolf-hybrid hearings. If both the chair and the vice-chair are absent, a member selected by a quorum of the Selectboard shall chair the hearing. The chair may make motions and may vote on all questions before the Selectboard. The chair shall rule on all questions or order and procedure.

2. The chair may exclude any irrelevant, unreliable or unnecessarily repetitive evidence. Relevant evidence is any verbal testimony or document that tends to demonstrate the innocence or guilt of the domestic pet or wolf-hybrid subject to complaint. Reliable evidence is any relevant evidence commonly relied upon by reasonably prudent people in the conduct of their affairs.

3. All vicious domestic pet or wolf-hybrid hearings shall be conducted in the following sequence:

- a. Open the hearing by reading the warning/notice of the hearing.
- b. Read the complaint received, and remind all present that this hearing is mandated by State law [20 V.S.A. § 3546], will be conducted in an orderly manner and that all statements must be directed to the Chair.
- c. Ask the complainant/respondent if he/she has received a copy of these rules of procedure and whether he/she has any questions about how the hearing will proceed.
- d. Request disclosure of any conflicts of interest and/or *ex parte* communications.

- e. Direct the complainant or his/her representative and all others providing evidence thereafter to step forward and take the following oath:

I hereby solemnly swear (or affirm) that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth.

- f. Accept written information from the complainant presented to the Selectboard.
- g. Invite the complainant to present oral testimony to the Selectboard.
- h. Invite Selectboard members to ask questions of the complainant.
- i. Invite the domestic pet or wolf-hybrid's owner (respondent) or representative to respond to evidence presented.
- j. Invite Selectboard members to ask questions of the domestic pet or wolf-hybrid owner.
- k. Invite members of the public to present any relevant information regarding the complaint.
- l. Invite more questions or comments from members of the Selectboard.
- m. Allow final comments or questions from the complainant and domestic pet or wolf-hybrid's owner or their representatives or members of the Selectboard.
- n. Upon motion and majority approval, the Chair shall either adjourn the hearing to a time and date certain (e.g. to obtain additional evidence), or close the proceedings by stating that this is the final public hearing on the matter.
- o. The Selectboard shall then conduct public deliberations, or may vote to enter deliberative session in which case the written decision of the Selectboard setting forth its findings of facts, conclusion of law and order for the domestic pet or wolf-hybrid will be rendered in writing to the owner of the domestic pet or wolf-hybrid by certified mail, return receipt requested within ____ days.

These rules may be amended by [unanimous/two thirds/majority] vote of the Selectboard.

Adopted by the Chester Selectboard on _____, 201__.

Chair
Selectboard

**TOWN OF CHESTER
VICIOUS DOG COMPLAINT FORM**

Date _____

Town of Chester
Attn: Selectboard Chair
P.O. Box 370
Chester, Vermont 05143
(802) 875-2173

State law (20 V.S.A. § 3546) requires the selectboard to hold a vicious dog hearing when a domestic pet or wolf-hybrid has bitten a person while the animal is off the premises of its owner or keeper, the person bitten requires medical attention for the attack, and such person files a written complaint with the selectboard. The information submitted on this form will be used to determine whether such a hearing is warranted.

Person Reporting Attack: _____

Street Address: _____

Town, VT, ZIP: _____

The facts of the attack are as follows:

Date/Time: _____ / _____

Place of Attack: _____

Did the Person Bitten Require Medical Attention? [circle one]: Y/N

Victim [name/address]: _____

Other facts that may assist the Selectboard in its investigation [e.g. name/address of owner of alleged suspected dog/description of suspected dog/circumstances leading to attack, etc.]:

If you need additional space, please attach sheets to this form. Please submit this document and any supporting documentation to the address at the top of this form.

**TOWN OF CHESTER
RESPONSE TO VICIOUS DOG COMPLAINT**

Date: _____

Name of Complainant
Address of Complainant

Dear _____:

On [date] the Town of _____ received a written vicious dog complaint from you (copy of complaint enclosed).

Your request for a hearing on this matter has been ☐ granted ☐ denied for the following reason(s) [check all that are applicable]:

- ☐ the attack did not require medical attention;
- ☐ the attack did not occur off the premises of the owner/keeper;
- ☐ the complaint is missing the following information:
 - ☐ whether the attack required medical attention;
 - ☐ the location of the attack;
 - ☐ the time and date of the attack;
 - ☐ the name and address of the victim(s);

If your complaint has been denied for failure to include the necessary information listed above: Please provide that information here and return this form to the address above:

If your request for a vicious dog hearing has been granted as indicated above:

Pursuant to Title 20, Section 3546 of Vermont law, the selectboard is required to hold a hearing on this matter. You are hereby given notice that the Town of Chester Selectboard will conduct this hearing on _____ at ____ p.m. at 556 Elm Street in Chester, Vermont at which time it will take evidence to determine the veracity of the complaint, whether the victim was bitten without provocation and if necessary make such order for the protection of persons as the facts and circumstances may require. Your participation is not required, however, it is suggested to ensure the selectboard receives all the relevant and credible information to inform its decision.

Sincerely,

Selectboard, Chair
Town of Chester

TOWN OF CHESTER
NOTICE OF PUBLIC HEARING

Re: Vicious Dog / Public Nuisance Complaint
Dog owned by _____

The Selectboard of the Town of Chester, Vermont, will hold a Public Hearing pursuant to 20 V.S.A. § 3546 on _____, 2015 at _____ p.m. at 556 Elm Street in Chester, Vermont to hear evidence and receive testimony on a complaint of a "vicious dog" concerning a dog named [*name of dog*] owned by [*name of owners*] presently residing at [*address*] in Chester, Vermont.

TOWN OF CHESTER
NOTICE TO OWNER OF VICIOUS DOG HEARING

[Date]

[Name of dog owner]

[Street Address]

[Town, VT, zip]

Dear _____:

On [date] the Town of Chester received a written complaint (enclosed) that your dog [name of dog-if known] bit a person while it was off of your property. Pursuant to Title 20, Section 3546 of Vermont law, the selectboard is required to hold a hearing on this matter. You are hereby given notice that the Town of Chester Selectboard will conduct this hearing on [date] at [time] in [location] in Chester, Vermont, at which time it will take evidence to determine the veracity of the complaint, whether the victim was bitten without provocation and if necessary make such order for the protection of persons as the facts and circumstances may require. Your participation is not required, however, it is suggested to ensure the selectboard receives all the relevant and credible information to inform its decision.

Sincerely,

[Name]

Selectboard, Chair

Town of Chester

VICIOUS DOG HEARING DECISION/PROTECTIVE ORDER
Town of Chester Selectboard

In re: *[name of dog]*

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves a vicious dog complaint submitted by *[name of complainant]* and received by the selectboard on *[date of receipt of complaint]*.
2. On *[month/day, 201_]*, public notice of this vicious dog hearing was posted in or near the town clerk's office and *[two other places in town where notice was posted]*, to each selectboard member, and *[list any editor, publisher, or news director of any newspaper or radio or television station serving the area that requests notification of special meetings provided notice]*.
3. On *[month/day, 201_]*, notice of this vicious dog hearing was mailed to *[name of dog owner]*, owner/keeper of *[name of dog]*.
4. On *[month/day, 201_]*, notice of this vicious dog hearing was mailed to *[name of complainant]*.
5. Present at the hearing were the following members of the selectboard:

- _____
- _____
- _____
- _____
- _____

6. During the course of the hearing the following exhibits were submitted to the selectboard: *[list any written testimony, pictures, reports, etc. submitted by any party before or during the hearing]*:

- _____
- _____
- _____
- _____
- _____

RELEVANT ORAL TESTIMONY
(attach additional sheets if necessary)

FINDINGS OF FACT
(attach additional sheets if necessary)

CONCLUSIONS OF LAW
(attach additional sheets if necessary)

DECISION

Based on the foregoing findings of fact and conclusions of law the selectboard finds that [name of dog] **did/did not** bite [name of victim] **with/without** provocation and therefore a protective order **will/will not** be rendered. (Circle all that apply).

PROTECTIVE ORDER

Only applicable if the selectboard decides the dog bit the victim without provocation. Check all that apply.

☐ Based on the foregoing facts and circumstances, and pursuant to 20 V.S.A. § 3546(c), the selectboard hereby orders that the domestic pet or wolf-hybrid named _____ and owned by _____ is to be (check all that apply):

- ☐ **Muzzled:** (where/when: _____);
- ☐ **Chained:** (where/when: _____);
- ☐ **Confined:** (where/when: _____);
- ☐ **Spayed/neutered** (no later than: _____);
- ☐ **Transferred** to an animal shelter or rescue organization for the purpose of finding an adoptive home;
- ☐ **Disposed of in a humane way:** (no later than: _____);
- ☐ **Other:** _____

☐ Based on the foregoing facts and circumstances, and pursuant to 20 V.S.A. § 3546(c), the selectboard hereby orders that [name of owner]:

Until such time as completion of the conditions set forth in this order can be satisfactorily verified [name of dog] shall be released to [name of owner/keeper]/[name of detention facility] with all associated costs being the responsibility of the owner/keeper.

Failure to comply fully with the conditions set forth in this order shall subject the owner/keeper to the penalties provided for in Title 20 Section 3546.

This decision/order was approved by the Chester Selectboard on [month/day], 201__.

Selectboard Chair

NOTICE: This decision may be appealed to the Vermont Superior Court Civil Division within 30 days of the date of this decision, pursuant to Rule 75(c) of the Vermont Rules of Civil Procedure.

TOWN OF CHESTER
NOTICE OF STRAY DOG IMPOUNDMENT

(To be posted in the town clerk's office and other usual places for public notice for a one-week period)

On [month/day/year] at approximately [time of impoundment], the Town of Chester, Vermont impounded a dog meeting the following description:

- [breed];
- [sex];
- [approximate age];
- [approximate weight];
- [color];
- [physical description];
- [any identifying marks/collars/tags/etc.];
- [temperament or any other helpful descriptive information].

The dog was found running-at-large at [location where dog was found]. The dog is currently being held at [name of facility where dog is being held]. If you are the owner/keeper of a dog meeting this description or know someone who may be, please contact [contact person] at [phone number and e-mail address of contact person] or visit the [name and address of facility where dog is being held] between the hours of [hours of operation of the facility] in order to take whatever remedial action pursuant to the Town of Chester, Vermont [name of ordinance] that may first need to be taken prior to the dog's release.

If the owner/keeper does not come forward or is unable or unwilling to take whatever remedial action may be necessary to secure the dog's release within ten (10) days following the date of this notice 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. If the dog cannot be so transferred it may be humanely destroyed.