



Town of Lincoln

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Dog Noise Control Ordinance

The Selectboard of the Town of Lincoln, Vermont, acting under the authority of 20 V.S.A. § 3549, et seq. and 24 V.S.A. § 2291 (10), et seq. hereby adopt and ordain this ordinance regulating certain ANIMALS in the Town of Lincoln. Pursuant to 24 V.S.A. § 1971, this ordinance is a civil ordinance, and shall be enforced in accordance with provisions of 24 V.S.A. § 1974 (a), et seq.

Section 1. Purpose

This ordinance is adopted to protect and preserve the health, safety, and welfare of the citizens of the Town of Lincoln.

Section 2. Definitions

- “ANIMAL” means any DOMESTIC PET or WOLF-HYBRID.
- “DOMESTIC PET” means a domestic dog.
- “OWNER” means any person who owns a DOMESTIC PET or WOLF-HYBRID, and includes any person who has actual or constructive possession of the DOMESTIC PET or WOLF-HYBRID. The term also includes those persons who provide feed or shelter to a DOMESTIC PET or WOLF-HYBRID.
- “WOLF-HYBRID” means an ANIMAL which is the progeny or descendant of a domestic dog (*Canis familiaris*) and wolf (*Canis lupus* or *Canis rufus*). “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 as described by rule of the Commissioner of Agriculture.
- “NOTICE” means actual NOTICE given orally written NOTICE either delivered or mailed by registered or certified mail, return receipt requested to the OWNER’S last known address. Such written NOTICE, if mailed, shall be deemed to have been received by the OWNER at 6:00 p.m. on the first business day after the mailing.

Section 3. Prohibition Against Making Noise

An OWNER of an ANIMAL shall not allow, permit, or suffer such ANIMAL to make noise. The term “noise” means any of the following:

Frequently or continually barking, howling, whining, yelping or in any other like manner unreasonably disturbing the peace and quiet of the persons residing within the Town, regardless of the ANIMAL being outside or inside any structure of its OWNER.

Section 4. Impounding an ANIMAL

Upon complaint by an animal control agent or other person designated to enforce this ordinance, an ANIMAL that is deemed to be making noise may be impounded by the ANIMAL control agent of the Town of Lincoln, or any law enforcement officer or any other person designated by the Town for the control of ANIMALS. This action may be taken in addition to the assessment of penalties for violation of this ordinance.

Any ANIMAL so impounded shall be transported to an impounding facility wherein it shall be kept until proof that such ANIMAL is currently vaccinated for rabies is provided, and payment of a \$60.00 impounding fee is received by the Town of Lincoln. The OWNER of any ANIMAL so impounded shall be notified of the impoundment provided the ANIMAL is wearing a reasonable means of identification or license. No animal will be released without being licensed with the Town.

Any ANIMAL impounded for more than 10 days, after receipt of NOTICE by the OWNER, may be destroyed or delivered to the local chapter of the Humane Society. Any OWNER, if known, who elects not to redeem his or her ANIMAL shall remain liable for the costs of impoundment, fees and penalties.

Section 5. Penalties

This is a civil ordinance. The Selectboard may appoint, and from time to time at their pleasure, may remove an ANIMAL control agent. The ANIMAL control agent shall be an official authorized to issue complaints for violation of this ordinance. Any law enforcement officer is also hereby designated as an issuing official who may issue complaints for violations of this ordinance.

(The following civil penalties are hereby imposed for violation of this ordinance: First violation of this ordinance \$ 40.00 Second violation of this ordinance \$ 80.00 Third and subsequent violations of this ordinance \$120.00 The oldest violation will be deleted from the OWNER'S record for the purposes of calculating the foregoing penalties set forth if the OWNER completes twelve (12) violation free months.

After the initial 72 hours, each day a violation continues shall constitute a separate violation.

In addition to any other remedy provided in this ordinance or available at law or in equity, the Town Selectboard may institute a suit for an injunction to prevent, restrain or abate violations of this ordinance.

Section 6. Other Laws

This ordinance is in addition to other ordinances enacted by the Town of Lincoln.

This ordinance shall not be construed as waiving the Town's rights of enforcement with regard to any state statute that regulates the OWNER of an ANIMAL This ordinance is in addition to, and not a substitution for any such statutes.

This ordinance supercedes the existing ANIMAL control ordinance, which is hereby repealed.

Dated at Lincoln, Vermont this 7th day of May, 2002