

DOGS
Chapter 125
DOGS

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§ 125-1. Statutory authority.

Pursuant to 20 V.S.A. § 3549, 24 V.S.A. § 2291(10) and 24 V.S.A. § 1971 the following chapter is promulgated in order to regulate the keeping of dogs in the Town of Rutland. This chapter is designated as a civil ordinance pursuant to 24 V.S.A. § 1971(b).

§ 125-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DOG— Includes both male and female domestic dogs (*canis familiaris*) and wolf-hybrids as defined in 20 V.S.A § 3545(8).

DOG CREATING A NUISANCE — A dog which causes damage to personal property, harasses a pedestrian, bicyclist or other passerby, obstructs traffic, barks excessively, or repeatedly scatters refuse, or otherwise becomes a nuisance or creates a disturbance.

DOG RUNNING AT LARGE — A dog which is not on the

property of its owner or keeper and is not:

A. On a leash;

B. On or within a vehicle;

C. Engaged in hunting with its owner or keeper.

DOMESTIC ANIMAL— An animal identified in 6 V.S.A. § 1151(2). Where applicable, the definitions of particular animals provided by 6 V.S.A. § 1151 shall control. The term "domestic animal" shall also include an animal defined as a "domestic pet" or "pet" by 20 V.S.A. § 3541(3).

B. On or within a vehicle;

ISSUING MUNICIPAL OFFICIAL — A constable of the Town of Rutland, the Town Attorney, town grand juror, poundkeeper and any other person designated by the Board of Selectmen to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint to enforce this chapter.

OWNER or KEEPER— Any person(s) who owns, harbors, keeps, or permits any dog to be kept in or about their buildings of premises or who is in actual or constructive possession of a dog in the Town of Rutland.

PERSON — A natural person, corporation, partnership, unincorporated association or other legal entity; or an agent thereof.

POUND and POUNDKEEPER— The pound and poundkeeper shall be that place and that person, respectively, designated from time to time by the Selectmen of the Town of Rutland to detain dogs seized by an issuing municipal official in the enforcement of this chapter.

VICIOUS DOG — A dog which causes reasonable fear of bodily injury by attacking or threatening to attack any domestic animal or any person, except a person who is in the act of committing unlawful (criminal) trespass or other criminal act upon the private property or person of the owner or keeper of the dog.

§ 125-3. License required.

A person who is the owner of a dog more than six months old shall annually on or before April 1 cause the dog to be licensed as required by 20 V.S.A., Chapter 193, Subchapter 2. The failure of a dog owner to comply with 20 V.S.A., Chapter 193, Subchapter 2 shall constitute a violation of this chapter.

§ 125-4. Nuisances prohibited.

An owner or keeper shall not permit a dog to create a nuisance as defined in § 125-2.

§ 125-5. Running at large prohibited.

An owner or keeper shall not allow a dog to run at large within the limits of the Town of Rutland as defined in § 125-2.

§ 125-6. Vicious dogs prohibited.

A person shall not own or keep a vicious dog as defined in § 125-2, except upon such terms and conditions as ordered by the Board of Selectmen.

§ 125-7. Dogs in heat to be confined.

An owner or keeper shall not permit a female dog in heat to be outside of a building or a secured enclosure.

§ 125-8. Complaint procedure; hearing.

A. A person who claims that a dog is a vicious dog or is a dog creating a nuisance may file a written complaint with the Board of Selectmen. The complaint shall contain the name, address and telephone number of the complainant, the time, date and place of each occurrence relied upon in support of the claim, an identification of the domestic animal threatened or attacked, the name and address of any victim or victims and any other facts which may assist the Board of Selectmen in conducting the investigation required by Subsection B of this section.

B. The Board of Selectmen, upon receiving the complaint, shall investigate the charges and hold a hearing on the matter. The Selectmen may also hold such a hearing on

their own motion, without receiving a complaint, if they have reason to believe a dog is vicious or is creating a

nuisance. If the owner or keeper of the dog which is the subject of the hearing can be ascertained, the owner or keeper shall be provided with a written notice of the time, date place of hearing and the facts of the complaint.

C. Following the hearing, the Board of Selectmen shall issue a determination as to whether the dog is a vicious dog as defined in § 125-2 or is a dog creating a nuisance as defined in § 125-2. Upon so finding, the Selectmen may issue an order for the protection of persons, domestic animals, and/or property as the facts and circumstances of the case may require; including, without limitation, that the dog be muzzled, chained, confined or disposed of in a humane way. If the owner or keeper of the dog can be ascertained, the order shall be sent to the owner or keeper by certified mail, return receipt requested.

D. Nothing contained in this section shall require proceedings before or an order from the Board of Selectmen as a precondition to enforcement of this chapter by an issuing municipal official pursuant to §§ 125-10 through 125-14 (inclusive) of this chapter.

§ 125-9. Failure to comply.

A violation of or failure to comply with an order of the Board of Selectmen issued pursuant to this chapter shall itself constitute a violation of this chapter.

§ 125-10. Impoundment.

A. Where issuing municipal official finds a dog to be in violation of this chapter or of an order of the Selectmen, the issuing municipal official may impound the dog at the town pound and/or may issue to the owner or keeper of the dog a municipal complaint pursuant to 24 V.S.A. § 1977.

B. Upon the filing of a complaint under § 125-8A, an issuing municipal official may impound a dog which is claimed to be a vicious dog pending a determination of the Board of Selectmen pursuant to § 125-8C.

§ 125-11. Reasonable methods for capture authorized.

An issuing municipal official may use all reasonable methods, including the use of tranquilizing and marking apparatus, for

catching and impounding dogs claimed to be vicious pursuant to § 125-8A or found to be in violation of this chapter or of an order of the Selectmen.

§ 125-12. Release from pound.

In the event that a dog is impounded, the procedure for securing the release of a dog from the pound shall be as follows:

A. Upon delivery to the pound, the issuing municipal official shall notify the dog owner, if the dog is licensed and has identifying tags. Notice shall be sufficient if given to its owner by certified mail. The dog shall be held for five working days unless claimed earlier.

B. If the dog is unlicensed, the issuing municipal official shall notify the owner or keeper, if known, and shall post a notice containing a description of the dog on a bulletin board in the Town Clerk's office for five working days.

C. If the owner does not claim the dog within five working days, the dog shall be given to whomever pays all charges, costs, and fees as provided in Subsection A.

D. If no person claims the dog within five working days of the mailing of the certified notice or posting, then the town may cause the dog to be humanely destroyed.

E. The owner or keeper of any impounded dog shall not remove the dog from the pound until it is properly licensed and proof is given to the poundkeeper and to the issuing municipal official of the administration of any immunization or shots as required by law, including, but not limited to, rabies inoculation.

F. Where a dog that is claimed to be vicious is impounded pursuant to § 125-10B, the owner or keeper shall not remove the dog from the pound except on such terms and conditions as ordered by the Board of Selectmen.

G. Where the Board of Selectmen have determined an impounded dog to be vicious pursuant to § 125-8C, the owner or keeper shall not remove the dog from the pound except on such terms and conditions as ordered by the Board of Selectmen; however, the foregoing provision as to release from the pound shall not apply to a vicious dog which the Selectmen have ordered to be humanely

destroyed.

§ 125-13. Conditions for release; charges.

A. The owner or keeper of a dog which has been impounded or a person claiming an impounded dog pursuant to § 125-11C shall not remove such dog from the pound until he or she has paid the poundkeeper's charges for taking and keeping the dog; an impoundment fee of \$50 to the town, to cover the administrative costs of enforcing this chapter; any license fees; and the cost of any immunization or shots as required by law, including but not limited to rabies inoculation.

B. Each impoundment fee and any expenses the town incurs in impounding, keeping or humanely destroying any such dog shall be a charge and claim of the town against the owner or keeper of such dog, collectible by action of the town, and the town shall have a lien on such animal for such fee and all expenses so incurred.

§ 125-14. Violations and penalties.

A. A civil penalty of not more than \$500 may be imposed for a violation of this civil ordinance. Each day that the violation continues shall constitute a separate violation of this chapter.

B. An issuing municipal official is authorized to recover by the issuance of a municipal complaint civil penalties in the following amounts for each violation of this chapter:

- (1) First violation: \$50.
- (2) Second violation: \$100.
- (3) Third violation: \$300.
- (4) Fourth and subsequent violations: \$500.

C. In lieu of the civil penalties provided in Subsection B, an issuing municipal official is authorized to recover a waiver fee in the following amount from any person to whom a municipal complaint is issued who declines to contest the municipal traffic complaint and pays the waiver fee:

- (1) First violation: \$25.
- (2) Second violation: \$50.
- (3) Third violation: \$150.

(4) Fourth and subsequent violations: \$250.

D. Other relief. In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town of Rutland may pursue any remedy authorized by law, including without limitation the maintenance of a civil action in superior court pursuant to 24 V.S.A. § 1974a(b) to obtain injunctive and other appropriate relief.

§ 125-15. Severability.

The provisions of this chapter are severable. If any provision of this chapter, or its application to any person or circumstances or within any part of the town is held invalid, illegal or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this chapter which can be given effect without the invalid provision or application thereof

§ 125-16. Previous provisions repealed.

The town's previous Dog Ordinance, as amended, and designated as Chapter 125, § 125-1 through § 125-11 of the Code of the Town of Rutland, is hereby repealed effective as of the effective date of this chapter.

§ 125-17. When effective.

This chapter shall become effective sixty days after adoption as provided in 24 V.S.A. § 1972.