

ARTICLE II. DOG CONTROL ORDINANCE

Sec. 8-200. ORDINANCE INDEX.

1. Definitions
2. Licensing
3. Running at Large
4. Penalties for Running at Large
5. Duties of Police Officers and Persons Having Control of Impounding
6. Conditions of Release
7. Dogs as a Nuisance
8. Penalties for Nuisance Dogs
9. At Risk Dogs
10. Penalties
11. Dangerous Dogs
12. Penalties for Dangerous Dogs
13. Animal Control Committee Review and Appeal Process for Dangerous Dogs
14. Defecation
15. Penalties
16. Repeal of Conflicting Ordinances
17. Separability of Provisions
18. Effective Date

Sec. 8-201. DEFINITIONS.

1. "Owner" shall mean any person or persons, firm, association, or corporation owning, keeping or harboring a dog.
2. "Run at Large" shall mean any dog that is off the premises of the owner and not:
 - a. on a leash
 - b. in a vehicle
 - c. on the premises of another person with that person's permission
 - d. clearly under the verbal or non-verbal control and in sight of the owner who has a leash in their possession
 - e. hunting with the owner

3. “Nuisance” shall mean any dog that:
 - a. Chronically disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of twenty (20) minutes or more. This regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the City’s Zoning Regulations.
 - b. Damages property of another person.
 - c. The provisions of this section and Sec. 8-203 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.
4. “At Risk” shall mean any dog, regardless of breed, breeding type or appearance, which when unprovoked:
 - a. On two separate occasions within a 36-month period engages in any behavior that requires a defensive action by a human or domestic animal to prevent bodily injury.
 - b. Acts in a highly aggressive manner, when unprovoked, within a fenced yard or enclosure and appears to be able to jump over or escape.
 - c. Inflicts minor injuries on a person through direct contact.
 - d. Causes damage to personal property as a result of aggressive behavior.
 - e. Aggressively chases or charges another domestic pet or person.
 - f. These definitions shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person or its owner’s property 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.

Sec. 8-203. RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner of any dog to permit such dog to run at large.

Sec. 8-204. PENALTIES FOR RUNNING AT LARGE.

The penalties for violation of this section shall be as follows:

1st Offense: Formal warning

2nd Offense: Completion of a restorative process with the Montpelier Community Justice Center (MCJC) or a waiver fine of \$100. Completion to be certified by the MCJC. Failure to complete the restorative process, if selected, is a \$100 fine.

3rd Offense: Completion of a restorative process with the MCJC and a \$50 fine or a waiver fine of \$200; completion to be certified by the MCJC. Failure to complete the restorative process, if selected, is an additional \$150 fine.

4th Offense: \$300 fine for each subsequent violation and referral to Animal Control Committee.

Sec. 8-205. DUTIES OF POLICE OFFICERS AND PERSONS HAVING CONTROL OF IMPOUNDING.

Any police officer, including special police officers or dog catchers within the city of Montpelier, shall have the authority to seize, impound or restrain any dog kept in violation of this ordinance and deliver such dog to the person or organization duly authorized or contracted to have control of impounding. If the owner of such dog is known or can be located with reasonable diligence, then the person who has control of impounding shall personally notify the owner within three days of the receipt of such dog. If the owner of such dog is not known or cannot be located with reasonable diligence, then the person who has control of impounding shall post, within forty-eight hours of the time such person shall have taken such dog into his possession, written notice at City Hall in Montpelier, and on the City's website giving a description and photo image of the dog, stating where it is impounded, and the conditions for release. If the owner, within seven days after receiving notice or within seven days after notice has been posted, does not claim such dog, then the person having control of impounding shall dispose of the dog by sale, adoption, or euthanasia.

The person having control of impounding shall keep a a record of every dog disposed of by sale or otherwise. Such record shall include (a) a description including a photo image which identifies the dog with reasonable certainty; (b) the manner of disposing of the dog; and (c) if the dog was transferred to another person, the name and address of the transferee. In addition, the transferee must sign a statement giving his name, address, and the date of delivery or receipt of the dog.

Any police officer may order a dog impounded or kept within the owner's residence pending resolution of the Animal Control Committee process.

Sec. 8-206. CONDITIONS OF RELEASE.

Before such dog may be transferred to another person, (a) such dog shall be vaccinated with anti-rabies vaccine, unless there is proof of vaccination within the previous year; (b) such dog must be licensed in accordance with the Statutes of the State of Vermont; and (c) the transferee shall pay to the City Treasurer of Montpelier the total of the following charges.

1. \$150.00 transportation charge, plus
2. Vaccination charge, if required, plus
3. License fee, if required, plus
4. Daily rate set by impoundment area, when dog bite requires, according to State Statute, impoundment of said dog for not less than 10 days.

Sec. 8-207. DOGS AS A NUISANCE.

The owner of a dog shall not allow their dog to create a nuisance.

Sec. 8-208. PENALTIES FOR NUISANCE DOGS.

The penalties for violation of this section shall be as follows:

Penalties:

1st Offense: Formal Warning

2nd Offense: Completion of a restorative process with the MCJC (to include any victim restitution agreed upon) and a \$100.00 fine. Completion to be certified by MCJC. Failure to participate in or complete the restorative process is an additional \$100 fine.

3rd Offense: Completion of a restorative process with the MCJC (to include any victim restitution agreed upon) and a \$100.00 fine. Completion to be certified by the MCJC. Failure to participate in or complete the restorative process is an additional \$100 fine.

4th and Subsequent Offense:

Referral to the Animal Control Committee for action.

Sec. 8-209. AT RISK DOGS.

The owner of a dog shall not allow their dog to behave in an ‘at risk’ manner.

Sec. 8-210. PENALTIES FOR AT RISK DOGS.

The penalties for violation of this section will be as follows:

Penalties:

1st Offense: Completion of a restorative process with the MCJC (to include any victim restitution agreed upon) and a \$100.00 fine. Completion to be certified by the MCJC. Failure to participate in or complete the restorative process is an additional \$100.00 fine.

2nd Offense and Subsequent Offense:

Referral to the Animal Control Committee for action.

Sec. 8-211. DANGEROUS DOGS.

The owner of a dog shall not allow their dog to behave in a dangerous manner. In order for the Animal Control Committee to take action, the victim must file a written complaint with the Police Department who shall investigate the incident. The written complaint must contain the time, date, place of the incident, and any other facts that may assist the investigation. Upon investigation, the Police Department may then refer the incident to the Animal Control Committee. The Animal Control Committee shall, within 7 days of receiving the complaint, hold a public hearing to determine whether the dog shall be deemed dangerous and to recommend corrective action. The Committee will make all reasonable efforts to contact the owner and provide the owner with a copy of the complaint and time/date of the hearing.

Sec. 8-212. PENALTIES FOR DANGEROUS DOGS.

If the dog is deemed dangerous by the Animal Control Committee, the Committee shall recommend an order to the City Manager as the facts and circumstances of the case may require. The owner will immediately be notified of the recommendation of the Animal Control Committee and will have an opportunity to appeal pursuant to Sec. 8-213.

Penalties:

1st and Subsequent Offenses:

Recommendation by the Animal Control Committee not limited to muzzling, confining, or euthanizing the dog. Chaining the dog shall not be a remedy.

Sec. 8-213. ANIMAL CONTROL COMMITTEE REVIEW AND APPEAL PROCESS FOR DANGEROUS DOGS.

Prior to making any recommendation, the Animal Control Committee will receive information from the dog owner such as testimony, witnesses or other evidence if the dog owner wishes to present information. The Committee will, likewise, receive information from the citing officer. Any recommendation made by the Animal Control Committee can be appealed to the City Manager. In the event that the City Manager affirms euthanasia as the correct remedy, the decision may be appealed to the City Council in a hearing open to the public.

Any recommendation for euthanasia made by the Animal Control Committee shall be made after the Committee has consulted with a certified animal or veterinary behaviorist and that individual has determined euthanasia is the only appropriate remedy.

The owner of the dog must be notified immediately of all decisions made in the review and appeals process. If the owner contests the decision, he or she may, within five days of receiving the notice of determination, appeal the decision of the hearing entity to the Civil Division of the Superior Court which shall consider the matter de novo. (V.S.A., Sec. 3550).

Sec. 8-214. DEFECATION.

The person in control of any dog which defecates in a public park, walkway, sidewalk, street, public way, playground, cemetery, school grounds, and state property shall remove such material immediately and dispose of it in a sanitary manner.

Sec. 8-215. PENALTIES FOR DEFACATION.

The penalties for violation of this section shall be as follows:

Penalties:

1st Offense	\$	50.00 fine
2nd Offense		75.00 fine
3rd and Subsequent Offenses		100.00 fine

Sec. 8-216. REPEAL OF CONFLICTING ORDINANCES.

All existing ordinances of the City of Montpelier are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

Sec. 8-217. SEPARABILITY OF PROVISIONS.

It is the intention of the municipality that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the municipality that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Sec. 8-218. EFFECTIVE DATE.

This ordinance shall be effective 15 days after passage as per §702(c) of the City Charter.

CHARTER REFERENCE: City Charter, §702(c)

Sec's. 8-219 to 299. Reserved.

Enacted: December 8, 1976.

Effective Date: January 1, 1977.

Amended and Corrected: March 9, 1977.

Amendment enacted October 11, 1978 [Sec. 8-202]. Date of Publication: 10/18/78.

Effective Date: 10/24/78.

Amendment enacted November 9, 1988 [Sec. 8-205, PENALTIES, increased]. Date of Publication: 11/21/88. Effective Date: 1/01/89.

Amendment enacted May 8, 1991 [Sec. 8-205, PENALTIES, increased]. Date of Publication: 5/16/91. Effective Date: 5/22/91.

Amendment enacted June 23, 1993 [Sec. 8-205. PENALTIES, increased]. Date of Publication: 7/05/93. Effective Date: 7/11/93.

Amendment enacted September 22, 1999 [Sec. 8-210. DEFECATION, added]. Date of Publication: 10/04/99. Effective Date: 10/10/99.

Amendment enacted January 15, 2014 [Sec. 8-210, title changed to PET WASTE; (a) and (b) rewritten]. Date of Publication: 1/28/14. Effective Date: 2/03/14.

Amendment enacted August 10, 2016 [Existing Dog Ordinance repealed; entire Article II, Dog Control Ordinance, rewritten]. Effective Date: August 25, 2016.