

ORDINANCE REGULATING THE LICENSING, KEEPING AND CONTROL OF DOGS, DOMESTIC PETS AND DOMESTIC ANIMALS AND PROTECTION OF ANIMALS FROM CRUEL AND INHUMANE TREATMENT

SECTION 1. AUTHORITY

Pursuant to 20 V.S.A. Chapters 191, 193, 194 and 24 V.S.A. Sections 2291 (10) and 1972 (a), the Selectboard of the Town of Vernon hereby adopts the following Ordinance to regulate the licensing, keeping and control of dogs (including wolf-hybrids and working farm dogs), domestic pets and domestic animals within the Town of Vernon and provide for the protection of animals from cruel and inhumane treatment. This Ordinance is designed as a Civil Ordinance pursuant to 24 V.S.A. Section 1971 (b). The provisions of this ordinance supplement and are in addition to all powers granted to the Town and Selectboard by Title 20 of the Vermont Statutes Annotated.

SECTION 2. PURPOSE

The purpose of this civil ordinance is to regulate the keeping of dogs, domestic pets and domestic animals and to provide for their licensing, leashing, muzzling, restraint, impoundment and destruction, in order to protect the public health and safety of all persons within the Town, and preserve and protect the peaceful use and enjoyment of homes and properties.

SECTION 3. DEFINITIONS

For purposes of this Ordinance, the following words and phrases shall have the respective meaning hereby assigned to them:

a. "Cruel and Inhumane Treatment" means:

- (i) Killing or attempting to kill an animal belonging to another person without consent of the owner or without legal authority; or
- (ii) The torture, torment, maiming, abandonment or poisoning of an animal; or
- (iii) Tying, tethering, or restraint of an animal in a manner that is detrimental to its health or safety; or
- (iv) Depriving an animal of adequate food, water, shelter, rest, sanitation, or necessary medical care.

b. "Dog" means any member of the canine species. For purposes of this Ordinance, this term shall also include "wolf-hybrids" and "working farm dogs" as defined in 20 V.S.A. Section 3541.

c. "Domestic animal" shall mean those animals defined by 6 V.S.A. 1151 (2) as follows: cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo.

d. "Domestic pet" or "pet" means any domestic dog, domestic cat, or ferret.

e. "Enforcement Officer" means any Town Constable, Police Officer, Animal Control or Dog Officer,

f. "Humane Officer" means any other person designated as an Enforcement Officer by the Selectboard.

g. “Impoundment” means being held by the Town at a place designated by the Selectboard. Such place may or may not be operated by the Town and may or may not be within Town limits.

h. “Owner” means any person who has legal title to a dog, domestic pet or domestic animal and any person who has actual or constructive possession of a dog, domestic pet or domestic animal. The term also includes those persons who provide food and shelter to the animal.

i. “Potentially vicious animal” means a dog, domestic pet, or domestic animal that:

- (i) inflicts injury to a person; or
- (ii) chases, worries, threatens to attack a person or causes any person to reasonably fear attack or bodily injury; or
- (iii) attacks another domestic pet or domestic animal; or
- (iii) causes damage to personal or real property.

This definition may not apply if the dog, domestic pet, or domestic animal was protecting or defending itself, its offspring or a person from attack or assault, or the person attacked or threatened by the dog, domestic pet, or domestic animal was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog, domestic pet, or domestic animal.

j. “Premises” means the home and real property of the owner of the dog, domestic pet or domestic animal.

k. “Running at large” means that the dog, domestic pet, or domestic animal is **NOT**:

- (i) on a leash no longer than 8 feet; or
- (ii) in a vehicle; or
- (iii) on the owner’s premises or;
- (iv) on the premises of another person with that person’s permission; or
- (v) clearly under the verbal or non-verbal control of its owner.

l. “Vicious animal” means any dog, domestic pet, or domestic animal that inflicts injury without provocation while off the premises of the owner or while “running at large”.

m. “Wolf hybrid” means an animal that:

- (i) is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*); or
- (ii) is advertised or otherwise described or represented to be a wolf hybrid; or
- (iii) exhibits primary physical and/or behavioral wolf characteristics.

n. “Working farm dog” means a dog that:

- (i) is bred or trained to herd or protect livestock or poultry or to protect crops; and
- (ii) is used for those purposes; and
- (iii) is registered as a working farm dog pursuant to State law.

SECTION 4. COLLAR AND LICENSE REQUIRED

Each dog over the age of six months shall be licensed by April 1st each year in accordance with 20 V.S.A. Sections 3581-3591, as amended, and shall wear a collar or harness with the current license attached. Any person failing to license or fulfill the collar or harness requirement by April 1st shall be in violation of this Ordinance and subject

to penalties set forth in 20 V.S.A. Section 3581 (a). 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 in violation of this Ordinance and may be immediately impounded.

SECTION 5. ENFORCEMENT PROCEDURES

a. Civil Enforcement

A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Windham 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. Chapter 59, §§ 1974(a) and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and represent the Town at any hearing. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief.

b. Notice of Alleged Violation

When an "Enforcement Officer" as defined herein or the Selectboard have reasonable grounds to believe that an owner of a dog, domestic pets or domestic animal has failed to license, keep or control the animal in violation of this Ordinance, then an Enforcement Officer or Selectboard may issue a Notice of Alleged Violation (NOAV) to the owner.

c. Notice to Owner

The NOAV shall be delivered to the owner in person, or mailed to the owner by registered mail with tracking of delivery or served upon the owner by Sheriff, Constable, or other person authorized by law to serve legal process. The NOAV shall inform the owner:

- (i) of the alleged facts and circumstances constituting the violation;
- (ii) that the owner has the right to request a hearing before the Selectboard;
- (iii) the procedure to request a hearing; and
- (iv) inform the owner that if the owner fails to request a hearing within twenty-one (21) days of the date of mailing or date on which the owner was personally served, the Selectboard will issue a final decision with no right of appeal.

d. Opportunity for Hearing

If the owner files a timely request for hearing, the Selectboard shall hold a hearing within fourteen (14) days of receipt of the request.

e. Selectboard Order

Within four (4) days after close of the Selectboard hearing, or within thirty (30) days from date of mailing of the NOAV or date on which the owner was personally served with the NOAV, if the owner does not timely request a hearing, the Selectboard shall make such Order for the protection of persons and property as the facts and circumstances of the case may require, including, without limitation, that the animal(s) be muzzled, confined, impounded, or disposed of in a humane manner. The Order shall be served upon the owner by Sheriff, Constable, or other person authorized by law to serve legal process.

f. Enforcement of Order in Superior Court

If the owner fails to comply with any term or condition of the Order issued by the Selectboard, the Selectboard may bring an action in the Civil Division in the Superior Court. An owner who fails to comply with the terms of

the Selectboard Order shall be subject to the penalties and provisions of this Ordinance and any other penalties authorized by 20 V.S.A. §3550

g. Owner's Right to Appeal

An owner aggrieved by the decision of the Selectboard following a hearing in which the owner participated in person or by duly authorized representative may appeal within thirty (30) days of receipt of the decision to the Civil division of the Superior Court, which shall consider the matter *de novo*.

SECTION 6. NUISANCES

a. Offenses Which Constitute a Nuisance

An owner of a dog, domestic pet, or domestic animal shall not allow, permit, or suffer such dog, domestic pet, or domestic animal to create a nuisance. A prohibited nuisance includes, but is not limited to the following:

1) Lack of current license and/or rabies tag

A dog without a collar or harness with the current license and/or valid rabies tag securely attached.

2) Running at large

A dog, domestic pet, or domestic animal running at large in the Town.

3) Failure to remove waste

A dog, domestic pet or domestic animal that defecates in any public area or on the premises of another person without the landowner's consent and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.

4) Unconfined dog in heat

A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.

5) Disturbing the Peace

A dog, domestic pet or domestic animal that disturbs the quiet, comfort and repose of others by barking, braying, whining, calling, or howling for a period of five (5) minutes or more, between the hours of 10:00 PM and 7:00 AM regardless of frequency, and any such noises are audible off of the premises upon which the dog, domestic pet, or domestic animal is kept. This regulation shall not apply to dogs, domestic pet or domestic animals in a kennel or boarding facility which has received a license from the Town. The license will govern the use of the kennel or boarding facility and provide conditions for management of the animals.

6) Exhibits conduct of a potentially vicious animal

Any dog, domestic pet, or domestic animal that:

- (i) inflicts injury to a person; or
- (ii) chases, worries, threatens to attack a person or causes any person to reasonably fear attack or bodily injury; or
- (iii) attacks another domestic pet or domestic animal; or
- (iv) causes damage to personal or real property.

7) Exhibits conduct of a vicious animal

Any dog, domestic pet or domestic animal that inflicts injury, without provocation, while off the premises of the owner or while running at large.

b. Exemptions for Working Farm Dogs

The provisions of the sections pertaining to running at large and disturbing the peace shall not apply to working farm dogs if the working farm dog is:

- (i) barking in order to herd or protect livestock or poultry or to protect crops; or
- (ii) running at large in order to herd or protect livestock or poultry or to protect crops.

SECTION 7. CIVIL PENALTIES AND COSTS

a. Penalties and Costs for Listed Nuisances.

An Enforcement Officer is authorized to recover civil penalties and impound animals for nuisances and violations of this Ordinance as set forth below:

Lack of current license and/or rabies tag

- 1st Offense: warning Waiver Fee: NA
- 2nd Offense: \$75 fine Waiver Fee: \$50
- 3rd & Subsequent Offense: \$150 fine. Waiver Fee: \$100

Running at large

- 1st Offense: \$25 fine Waiver Fee: \$15
- 2nd Offense: \$75 fine Waiver Fee: \$50
- 3rd & Subsequent Offense: Impoundment and/or \$150 fine Waiver Fee: \$100

Failure to remove waste

- 1st Offense: warning or \$25 fine Waiver Fee: \$15
- 2nd Offense: \$50 fine Waiver Fee: \$30
- 3rd & Subsequent Offense: \$75 fine Waiver Fee: \$60

Unconfined Dog in Heat

- 1st Offense: warning Waiver Fee: NA
- 2nd Offense: impoundment and/or \$75 fine Waiver Fee: \$60
- 3rd & Subsequent Offense: Impoundment and/or \$100 fine Waiver Fee: \$75

Disturbing the peace

- 1st Offense: warning Waiver Fee: NA
- 2nd Offense: \$50 fine Waiver Fee: \$30
- 3rd & Subsequent Offense: impoundment and/or \$75 fine Waiver Fee: \$60

Exhibits conduct of a potentially vicious animal

- 1st Offense: \$200 fine Waiver Fee: \$100
- 2nd Offense: Impoundment and/or \$350 fine Waiver Fee: \$150
- 3rd Offense: Impoundment and \$500 fine Waiver Fee: \$300

Exhibits conduct of a vicious animal

- 1st Offense: \$500 fine Waiver Fee: NA
- 2nd Offense: Impoundment and/or \$800 fine Waiver Fee: NA
- 3rd Offense: \$1,000 and/or humane disposal of the animal Waiver Fee: NA

Impoundment fees

1st Offense: \$15.00 per day

2nd Offense: \$20.00 per day

3rd Offense: \$25.00 per day

b. Waiver Fee

An Enforcement Officer is authorized to recover a waiver fee in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

c. Sequence of Violations

Determining the sequences of offenses for violations of this Ordinance shall be as follows:

(i) A subsequent violation that occurs within one (1) year of a previous violation shall be considered a subsequent offense (i.e., second or third offense). Any subsequent violation that occurs after one (1) year of a previous violation shall be considered a new first offense. A warning shall not be counted towards the calculation of the number of offenses under this Ordinance.

d. Owner Responsibility Program

Any owner who has violated this Ordinance three (3) times within a one (1) year period shall be required to complete an owner responsibility program, pre-approved by the Selectboard, designed to improve the owner's understanding of dog, domestic pet, or domestic animal ownership responsibilities. The program shall be completed within two (2) months from the date of notification. The Enforcement Officer shall issue a notification of this requirement, in writing by registered mail with tracking of delivery or personally served upon the owner by Sheriff, Constable or other person authorized by law to serve legal process to the owner's last known address. Failure of the owner to complete the program within the time provided shall constitute a violation of this Ordinance for which the Selectboard may order the seizure and impoundment of the subject animal(s) and such other terms or conditions for the protection of person(s) and property as the facts and circumstances of the case may require.

SECTION 8. IMPOUNDMENT

a. Grounds for Impoundment

Any dog, domestic pet, or domestic animal may be immediately impounded if an Enforcement Officer or Selectboard have reasonable grounds to believe that the dog, domestic pet or domestic animal:

- (i) presents an imminent danger to people or other animals; or
- (ii) has bitten a person while running at large; or
- (iii) is in violation of State licensing law; or
- (iv) has an unknown rabies vaccination history or is suspected of having been exposed to rabies; or
- (v) is running at large; or
- (vi) is an unconfined dog in heat; or
- (vii) is found without a collar or harness and license; or
- (viii) any combination of the above.

b. Notice of Impoundment

The officer who impounds a dog, domestic pet, or domestic animal shall attempt to provide notice to the owner within forty-eight (48) hours of the impoundment either in person, by telephone call, or by email if receipt of the email notice is confirmed by the owner. If these means of notice are not possible or if the owner cannot be located,

then Notice of Impoundment shall be posted on the door of the residence of the owner, if known, and shall be posted in the town clerk's office and one other public place. The Notice of Impoundment shall include a description of the dog, domestic pet or domestic animal, including any significant marks of identification, and when and where the animal was found and where the animal is impounded.

The NOAV shall inform the owner:

- (i) of the alleged facts and circumstances of the impoundment;
- (ii) that the owner has the right to request a hearing before the Selectboard;
- (iii) the procedure to request a hearing; and
- (iv) inform the owner that if the owner fails to request a hearing within twenty-one (21) days of the date of mailing or date on which the owner was personally served, the Selectboard will issue a final decision with no right of appeal.

The Notice of Impoundment shall state that the Town may place the dog, domestic pet, or domestic animal in an adoptive home or transfer it to a humane society or rescue organization or arrange for the animal to be destroyed in a humane manner and the owner shall pay all expenses incurred by the Town for treatment, boarding and care of the dog, domestic pet or domestic animal, and any applicable penalties.

c. Opportunity for Hearing.

If the owner files a timely request for hearing, the Selectboard shall hold a hearing within fourteen (14) days of receipt of the request.

d. Selectboard Order.

Within four (4) days after close of the Selectboard hearing, or within thirty (30) days from date of mailing of the Notice or date on which the owner was personally served, if the owner does not timely request a hearing, the Selectboard shall make such Order for the protection of persons and property as the facts and circumstances of the case may require, including, without limitation, that the animal(s) be muzzled, confined, impounded, or disposed of in a humane manner. The Order shall be served upon the owner by Sheriff, Constable, or other person authorized by law to serve legal process.

e. Release from Impoundment

The Selectboard may authorize the animal to be released from Impoundment to the owner after payment of all penalties and impoundment costs (including, but not limited to, boarding, food, and veterinary expenses). If the owner of a dog, domestic pet, or domestic animal impounded under the provisions of this ordinance fails to comply with the terms of the Selectboard Order or refuses to take the remedial action necessary to secure the dog, domestic pet or domestic animal's release from impoundment, the dog, domestic pet, or domestic animal 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, domestic pet or domestic animal, the animal may be humanely destroyed. The owner of a dog, domestic pet, or domestic animal transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog, domestic pet, or domestic animal for the duration of its impoundment, and any expenses associated with its transfer or humane disposal.

f. Enforcement of Order in Superior Court.

If the owner fails to comply with any term or condition of the Order issued by the Selectboard, the Selectboard may bring an action in the Civil Division in the Superior Court. An owner who fails to comply with the terms of the Selectboard Order shall be subject to the penalties and provisions of this Ordinance and any other penalties authorized by 20 V.S.A. §3550

g. Owner’s Right to Appeal.

An owner aggrieved by the decision of the Selectboard following a hearing in which the owner participated in person or by duly authorized representative may appeal within thirty (30) days of receipt of the decision to the Civil division of the Superior Court, which shall consider the matter *de novo*.

SECTION 9. INVESTIGATION OF POTENTIALLY VICIOUS DOGS, DOMESTIC PETS AND DOMESTIC ANIMALS

a. Complaint

A person who has reasonable grounds to believe that a dog, domestic pet or domestic animal is a “potentially vicious animal” as defined herein, may file a written complaint with the Selectboard. The complaint shall provide an explanation of why the animal is believed to pose a risk of harm and provide the time, date and place where the alleged behavior occurred, an identification of the alleged potential vicious animal, the name and address of any victims, and any other facts that may assist an Enforcement Officer or the Selectboard in conducting an investigation.

b. Notice to Owner

The Selectboard shall attempt to provide notice to the owner within forty-eight (48) hours from receipt of the complaint, either in person, by telephone call, or by email if receipt of the email notice is confirmed by the owner. If these means of notice are not possible, or if the owner cannot be located, then Notice of the Complaint shall be mailed to the owner at owner’s last known address by registered mail with tracking or personally served upon the owner by Sheriff, Constable or by other person authorized by law to serve process.

c. Investigation

An Enforcement Officer or Selectboard shall diligently investigate the facts and circumstances of the complaint. If the Enforcement Officer or Selectboard have reasonable grounds to believe that an owner of a dog, domestic pet or domestic animal has failed to license, keep or control the animal in violation of this Ordinance then the Enforcement Officer or Selectboard may issue a Notice of Alleged Violation to the owner and shall proceed in accordance with Section 5 herein.

If the complaint alleges that a person has been injured while the animal is off the premises of the owner, and the person bitten required medical attention for the attack, the Selectboard shall immediately investigate the charges and hold a hearing within seven (7) days pursuant to 20 V.S.A. §3546.

d. Animal Suspected of Having Rabies

The procedures provided in this section shall not apply if the dog is a rabies suspect. If the animal is a rabies suspect, the provisions of Title 20, Chapter 193 and the Rules of the Vermont Department of Health shall apply, including Section 10 of this Ordinance. If the animal is deemed without rabies, the terms and conditions set forth in the Selectboard order shall be enforced.

SECTION 10. DUTY OF OWNER OF ANIMAL REPORTED TO HAVE BITTEN A PERSON

a. Confinement of Animal to Premises

It shall be unlawful for an owner or person harboring any dog, domestic pet or domestic animal, when notified that such animal has bitten any person, to sell or give away such animal, or to permit the animal to be taken off the premises, except under the care of a licensed veterinarian.

b. Notice to Health Officer

It shall be the duty of such owner, upon receiving notice that a domestic animal has bitten any person, to notify the Health Officer immediately; and:

- (i) have the animal checked by a licensed veterinarian and confined at home for at least ten (10) days with the permission of the Enforcement Officer, Health Officer or a licensed veterinarian; or
- (ii) place such animal in a veterinary hospital, where it shall be confined for at least ten (10) days, or
- (iii) deliver the animal to the Enforcement Officer who shall confine the animal to the Selectboard designated Animal Pound for observation for ten (10) days.

c. Notice to Veterinarian

If the animal becomes visibly ill a veterinarian shall be notified for instructions. In the event that such animal is delivered to the veterinary hospital, notice of the name and location of such hospital shall be furnished to the Enforcement Officer and the Health Officer by the owner or keeper of such animal within twenty-four (24) hours.

The Enforcement Officer or Health Officer shall request that they be notified immediately by the veterinarian of the death of any such animal while under observation in any veterinary hospital. If, at the expiration of ten (10) days confinement, the said veterinary hospital shall certify in writing to the Enforcement Officer and Health Officer that the animal is not rabid, said animal may be released to its owner upon payment of all costs of confinement and care of such animal. If the animal was confined at home, the owner shall provide a veterinarian's written certificate to the Enforcement Officer or Health Officer that the animal is not rabid. The animal may then be released from confinement.

d. Death of Animal Suspected of Having Rabies

If such animal should die while under observation, its brain shall be forthwith delivered to the State Department of Health for examination.

e. Animal Bitten by Animal Suspected of Having Rabies

If an animal is bitten by another animal being rabid or suspected of having rabies, both animals shall be immediately confined for observation as provided in Section (b) above. The owner of the biting animal thereof shall pay all costs of confinement and care of both animals.

SECTION 11. RABIES

a. Rabies Suspect

If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the dog, domestic pet, or domestic animal is a rabies suspect, the official shall immediately notify the Town Health Officer who shall proceed in accordance with the Vermont Department of Health's Rules.

b. Rabies Quarantine

Upon diagnosis of rabies in any animal within the town, the Selectboard may proclaim a town wide quarantine for a period of thirty (30) days. No dog, domestic pet or domestic animal shall be permitted by its owner to be off premises during the quarantine.

In the event there are additional cases of rabies appearing during the quarantine, such quarantine may be extended by the Selectboard for an additional three (3) months.

c. Death of Animal Exposed to Rabies

The carcass of any dead animal which has been exposed to rabies shall, upon demand, shall be surrendered to the Health Officer, member of the Sheriff's Department or Vermont Department of Health, who shall direct the disposition of any animal found to be rabid. No person shall fail to surrender any animal for quarantine or destruction when demand is made thereof by the Enforcement Officer, Health Officer or Sheriff Deputy.

SECTION 12. CRUEL AND INHUMANE TREATMENT

a. Complaint

Any person who has reasonable grounds to believe that an animal(s) is or has been subjected to cruel or inhumane treatment may file a written complaint with the Selectboard of the municipality. The complaint shall contain the time, date, and place where the suspected inhumane treatment has occurred, the name and address of the person suspected of causing the inhumane treatment, and any other facts that may assist the Enforcement Officer or Selectboard in conducting an investigation.

b. Notice to Owner

The Selectboard shall attempt to provide notice to the owner within forty-eight (48) hours from receipt of the complaint. Notice may be provided either in person, by telephone call, or by email if receipt of the email notice is confirmed by the owner. If these means of notice are not possible, or if the owner cannot be located, then notice shall be provided by registered mail with tracking of delivery to the owners last known address or personally served upon the owner by Sheriff, Constable or other person authorized by law to serve process.

c. Investigation

An Enforcement Officer or Selectboard shall diligently investigate the facts and circumstances of the complaint. If the investigation is carried out by an Enforcement Officer, the results of the investigation shall be reported to the Selectboard. If the Selectboard determines that there are reasonable grounds to believe that a person has engaged in cruel or inhumane treatment of an animal(s), the Selectboard may issue a Notice of Alleged Violation and shall proceed in accordance with the procedures outlined in Section 5 herein.

SECTION 13. OTHER LAWS

This ordinance is in addition to all other ordinances of the Town of Vernon 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 14. 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 15. EFFECTIVE DATE

This ordinance shall become effective 60 days after its adoption by the 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 February, 2026.

Vernon Selectboard








