

CHAPTER 8

ANIMALS AND FOWL

ARTICLE II. DOG CONTROL ORDINANCE

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Sec. 8-201. LICENSING.

No dog shall be kept within the limits of the City of Montpelier, County of Washington, State of Vermont, unless such dog shall have been licensed by its owner in accordance with the statutes of the State of Vermont.

“Owner” shall mean any person or persons, firm association or corporation owning, keeping or harboring a dog.

Sec. 8-202. RUNNING AT LARGE PROHIBITED.

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

“At Large” shall mean off the premises of the owner and not under the control of any person by means of a chain, rope, or cord of sufficient strength to control the action of such dog (or such other personal presence and attention as will reasonably control the conduct of such dog).

In the event the Police Department receives a written complaint, signed by three Montpelier residents, or one guide dog user appearing in person at the Police Department, concerning the actions of any one dog, then the owner of said dog shall keep said dog under control by means of a chain, rope or fence only, for a period of twelve months. The owner will be given a copy of the complaint and so notified in writing.

Sec. 8-203. 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 Section 201, and Section 202, 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, giving a description 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 or otherwise, in a proper and humane manner.

The person having control of impounding shall keep a record of every dog disposed of by sale or otherwise. Such record shall include (a) a description 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.

Sec. 8-204. CONDITIONS OF RELEASE.

Section 8-203 provides that the person giving notice shall with such notice give the conditions of the release of the impounded dog. 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. \$ 10.00 transportation charge, plus
2. Vaccination charge, if required, plus
3. License fee, if required, plus
4. Daily rate, set by impoundment area, when dog bit requires, according to State Statute, impoundment of said dog for not less than 10 days.

Sec. 8-205. PENALTIES.

In addition to seizing and impounding the dog, the City of Montpelier, may prosecute the owner of any dog running at large. The penalty for violation of this ordinance shall be the General Penalty. However, any person may waive court prosecution and appearance by paying a fine as follows:

Penalties:	1 st Offense	\$ 30.00
	2 nd Offense	50.00
	3 rd Offense	60.00

Sec. 8-206. DOGS AS A NUISANCE.

The owner or keeper of a dog which by barking, snapping, biting, howling or in any other manner unreasonably disturbs the quiet and comfort of any person in the city or causes a public nuisance shall restrain such dog when ordered to do so by a police officer. If such dog snaps or bites a person, or causes a public nuisance, the Chief of Police or his designee shall upon signed complaint restrain such dog immediately at a local impoundment area at the expense of the owner as set out in Section 3-204; and following the complaint, a hearing will be held either before the City Council at its next scheduled meeting or before an ad hoc committee appointed by the Mayor. If the complaint is at this time judged to be unfounded, all fees and fines will be refunded. If it is judged that the dog is, in fact, a nuisance, the City Council or said committee may order any action deemed necessary to abate such nuisance. In addition, unlicensed dogs shall be restrained and turned over to the humane society. A request from a school official shall be considered as a formal complaint.

Sec. 8-207. 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. 8-208. 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. 8-209. EFFECTIVE DATE.

This ordinance shall be effective six days after publication in full text in a newspaper of general circulation in the city.

Sec. 8-210. DEFECATION.

(a) The person in control of any dog which defecates in a public park, walkway, sidewalk, street, public way, playground, cemetery, school grounds, state property or on private property shall remove such material immediately and dispose of it in a sanitary manner. This provision shall not apply to private property used without objection of the property owner or to off-trail, wooded areas of public parks.

(b) It shall be unlawful for the owner of any dog to violate subsection (a) herein.

(c) A violation of this Section shall be subject to the general penalty provisions, and those penalty provisions of Section 8-205 herein.

Additionally, and in lieu thereof, the City of Montpelier may elect to issue a City nuisance citation in connection with initial and subsequent offenses of this provision. In that event, a civil penalty of \$30 may be imposed for the initial violation. The penalty for a second offense within a six-month period of the initial offense shall be \$50. The penalty for a third and any subsequent offense within a six-month period of the initial offense shall be \$60.

(d) Any person who fails or declines to respond to a City nuisance citation issued pursuant to subsection (c) herein shall be subject to the general penalty provisions and the provisions of Sec. 8-205 herein in respect of the original offense.

CHARTER REFERENCE: Title I, Title III, Title VII.

STATE LAW REFERENCE: Vermont Statutes Annotated, Title 20, Sections 3381-4003, et seq.

Sec's. 8-211 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.