

## ORDINANCE FOR THE CARE AND CONTROL OF DOGS AND CATS

The Council of the City of South Burlington hereby Ordains:

1. This ordinance replaces The South Burlington Ordinance for the Care and Control of Dogs and Cats adopted May 7, 1963, amended June 3, 1968, June 16, 1975, October 2, 1995, and September 15, 1997.

**SECTION 1. AUTHORITY.** This ordinance is adopted by the City Council of South Burlington under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10) and 2291 (14 & 15), and 24 V.S.A. Chapter 59.

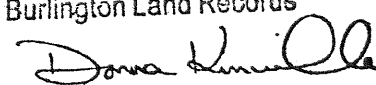
**SECTION 2. PURPOSE.** It is the purpose of this ordinance to regulate the keeping of dogs and cats, to protect public health and safety and to protect the residents' quiet enjoyment of their homes and properties.

**SECTION 3. DEFINITIONS.** For purposes of this ordinance, the following words and/or phrases shall apply:

- A. **"Dog"** means any member of the canine species and wolf hybrid as described in 20 V.S.A. § 3541;
- B. **"Cat"** means any member of the feline species;
- C. **"Owner"** shall include any person or persons, firm, association or corporation owning, keeping, or harboring a dog or cat;
- D. **"Running at large"** shall mean off the premises of the owner, and not under the control of the owner, a member of his/her immediate family, or an agent of the owner, either by leash, cord, chain or otherwise within control of such person so that at all times the dog or cat can be prevented from causing any damage, disturbance or annoyance;
- E. **"Enforcement official"** when used herein shall mean any constable, police officer, animal control officer, and pound keeper; it shall also include any other individual specifically designated by the City Council to enforce the provisions of this ordinance;
- F. **"Pound Keeper"** refers to the person or organization which enters into a Contract with the City;
- G. **"Vicious dog or cat"** means a dog or cat that attacks any person or causes any person to reasonably fear attack or bodily injury from such animal, unless the person is trespassing on the property of the owner of the animal. The term shall also mean any animal that, while running at large, attacks another domestic pet or domestic animal, as defined in 20 V.S.A. § 3541;
- H. **"Payment"** refers to that all fines and waivers for civil penalties must be paid in cash and a receipt will be immediately issued.

### SECTION 4. DISTURBANCES AND NUISANCES.

- A. No dog or cat shall run at large in the city.

CITY CLERK'S OFFICE  
Received SURE 22, 2011 at 9:30 M  
Recorded in Vol. 376 on page 586-590  
Of So. Burlington Land Records  
Attest:   
Donna S. Kinville, City Clerk

- B. No dog or cat shall harass or attack other animals or people unless such animals or people are trespassing on the private property of the owner of the dog or cat.
- C. A female dog or cat in heat shall be confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. No person shall own, keep or harbor a dog or cat which by frequent or long continued noise disturbs the quiet, comfort and repose of others;
- E. The person in control of a dog or cat that defecates in any public area or on the private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.

**SECTION 5. COLLAR AND LICENSE.**

- A. Each dog or cat shall be licensed according to the laws of this state and shall wear a collar or harness with the current license attached. An animal that is visiting from out of state must wear a collar or harness with a current license from its home state attached.
- B. A dog or cat that is found without a collar or harness and license shall be immediately impounded under authority of 20 V.S.A. Chapters 193 and 194 with reference to section § 3806 and shall be managed under the provisions of that statute.
- C. A dog or cat not licensed or properly inoculated by the due date, may be seized or detained by the Enforcement Official who is authorized and empowered to enter upon the premises and enter any structure to seize or detain a dog or cat. A dog or cat will be kept by the City, at the owner's expense, for a period of thirty (30) days to afford the owner/keeper an opportunity to pay in full all fines, penalties, fees and costs of what so ever kind, and to obtain a license and/or inoculation. At the end of the thirty (30) days, if payment in full has not been received by the City, the dog or cat will be disposed of in a humane way or turned over to the Humane Society.
- D. Pursuant to 24 V.S. A. Chapter 13-104(7) the City's Charter gives the authority to adopt and enforce ordinances for the purpose of regulating and licensing the keeping of dogs or other pets. The fee for each dog license shall be \$12.00 above the fee required by state statutes. The fee for each cat license shall be \$3.00 above the fee required by state statutes.
- E. Pursuant to 24 V.S. A. Chapter 13-104(7) the City's Charter gives the authority to adopt and enforce ordinances for the purpose of regulating and licensing the keeping of dogs or other pets. Therefore the City will adopt late fees for those dog and cat owners who fail to register their dog or cat by the state imposed deadline of April 1<sup>st</sup>. For Fiscal Year 2012 the late fee will be \$10.00 in addition to the licensing fee. Beginning with July 1, 2012 the following late fees, in addition to licensing fees, will be in effect:

January 1 – April 1	\$0
April 2 – April 30	\$10
May 1 – December 31	\$25

If a dog or cat is being registered due to the actions of the Enforcement Official there will be a flat \$50 fee in addition to the licensing fee year round.

**SECTION 6. HUMANE CARE OF DOGS AND CATS.** All dogs and cats shall be furnished with clean and safe facilities sufficient to protect the animal and the public health. Any dog or cat determined by the Enforcement Officials to be without such clean and safe facilities may be impounded.

**SECTION 7. ENFORCEMENT.** This is a civil ordinance and shall be enforced by Enforcement Official in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a et seq.

**SECTION 8. IMPOUNDMENT.**

- A. Any dog or cat that is determined by an Enforcement Official to be a vicious dog or cat which presents an imminent danger to people or other animals shall be immediately impounded.
- B. Any dog or cat that is apprehended for a third or subsequent violation of any provision of this ordinance shall be impounded.

**SECTION 9. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.**

- A. The officer who impounds a dog or cat shall, within 48 hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the animal and the steps that are necessary to have the animal returned to the owner.
- B. If an impounded dog or cat has no license or other identification, the person who impounds it shall proceed under the provisions of 20 V.S.A. § 3806. A refundable cash bond in the amount of seventy-four dollars (\$74) may be paid by the owner in lieu of the license fee which includes late fine if the city clerk's office is not open or the animal needs vaccination prior to licensing. This cash bond shall be returned to the owner upon proper licensing of the animal, after determining license fee amount and late fee owed. Failure to license the dog or cat within (5) days shall cause forfeiture of the cash bond and the owner shall be subject to all penalties provided for by this ordinance.
- C. Impounded animals shall be released to the owner only after payment of all penalties and impoundment fees and after remedial action by the owner. Remedial action shall include but is not limited to such actions as providing a collar and current license and providing a plan for compliance with the provisions of this ordinance and with state law.
- D. An "appropriate complaint" shall be deemed to have been made when a person verbally gives the City Police Department a full description of the dog or cat, including breed (if known), size, color, and other distinguishing features which description must be sufficient for an enforcement official to make a proper identification. If such description is insufficient for proper identification, no dog or cat shall be impounded. The person who made such complaint shall file in writing with the Police Department a form furnished by the City setting forth his/her name, address, phone number, description of the dog or cat, and circumstances under which the dog or cat was believed to be in violation of this ordinance. If no written complaint is filed, the City, at its option, may release the dog or cat and charge the complainant with any impoundment fees or boarding fees which may be due.
- E. In addition to the impoundment fees charged herein, there shall be a boarding charge as set by impoundment facility for a per day charge or fraction thereof during with the dog or cat is impounded. A dog or cat that is impounded and that is kept overnight shall be charged the per day boarding fee.

- F. The City Council is hereby empowered to increase the impoundment fees provided for in this section by appropriate resolution. The City Council may make such increases in said fees and charges as they deem appropriate and necessary.

**SECTION 10. INVESTIGATION OF VICIOUS DOGS OR CATS PER 20 V.S.A. §3546**

- A. When a dog or cat has bitten a person while the dog or cat is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with Enforcement Official or City's Health Official. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation.
- B. The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog or cat which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.
- C. If the dog or cat is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the dog or cat is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.
- D. The procedures provided in this section shall only apply if the dog or cat is not a rabies suspect. If a member of the legislative body or an Enforcement Official determines that the animal is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the department of health shall apply.

**SECTION 11. PENALTIES AND COSTS (Sections 4, 8, & 10)**

- |                       |   |
|-----------------------|---|
| A. First offense      | \$25.00 full penalty/\$15.00 waiver penalty                                   |
| B. Second offense     | \$50.00 full penalty/\$25.00 waiver penalty within a 12 month rolling basis   |
| C. Third offense      | \$150.00 full penalty/\$75.00 waiver penalty within a 12 month rolling basis  |
| D. Subsequent offense | \$200.00 full penalty/\$100.00 waiver penalty within a 12 month rolling basis |

**SECTION 12. OTHER LAWS.** This ordinance is in addition to all other Ordinances of the City of South Burlington and all applicable laws of the State of Vermont. If Vermont statutes change regarding any section of this ordinance then Statutes rule until this Ordinance can be modified to conform.

**SECTION 13 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.

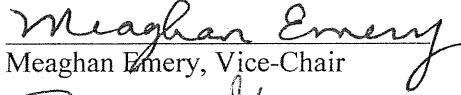
**SECTION 14. EFFECTIVE DATE.** This ordinance shall become effective July 1, 2011. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

6/20/11

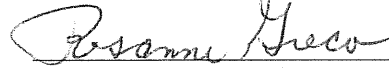
Dated



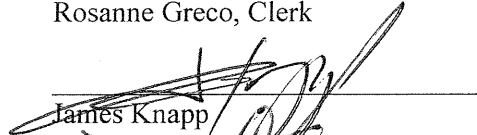
Sandra Dooley, Chair



Meaghan Emery, Vice-Chair



Rosanne Greco, Clerk



James Knapp



Paul Engels

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