

Municipal Dog Control Handbook (formerly The Big Book of Woof)



Table of Contents

- 1.0 Introduction to Dog and Domestic Animal Control
- 2.0 Dog Immunizations
- 3.0 Dog License Types and Fees
 - 3.1 Base License
 - 3.2 Pet Dealer Permit
 - 3.3 Breeding (Special) License
 - 3.4 Working Farm Dog License
 - 3.5 Temporary Vermont Visitors
 - 3.6 Dog and Wolf-Hybrid Licensing Fees
- 4.0 Enforcement
 - 4.1 Self Executing State Law
 - 4.2 Killing Dogs
 - 4.3 Ticketing
 - 4.4 Impoundment



- 4.5 Vicious Dog Hearing
- 4.6 Enabling State Law
- 4.7 Model Dog Control Ordinance
 - 4.7.1 Overview
 - 4.7.2 Why Adopt a Dog Control Ordinance?
 - 4.7.3 The "Potentially Vicious" Dog Option
 - 4.7.4 How to Customize the Ordinance
- 5.0 Vicious Dog and Domestic Pet Bite Hearings
- 5.1 Vicious Dog Hearing FAQs
- 5.2 Model Notice of Vicious Dog Public Hearing
- 5.3 Model Notice to Owner of Vicious Dog Hearing
- 5.4 Model Vicious Dog Hearing Decision and Protective Order
- 5.5 Model Vicious Dog Complaint Form
- 5.6 Model Response to Vicious Dog Complaint
- 5.7 Model Rules of Procedure for Vicious Dog Hearings
- 6.0 Animal Cruelty



Municipal Dog Control Handbook (formerly The Big Book of Woof)

^^^ Click the grey box above to expand and view the full Table of Contents. You can download and print the full handbook by clicking **PDF/Print Manual** in the purple box on the left.

Few fields of law demand so much immediate attention, elicit such reactionary responses, draw the concern and ire of the public, or are as confusing to enforce as Vermont's laws on dogs and domestic pets. MAC has developed resources that attempt to bridge the gap between Vermont's regulatory scheme and how it's implemented in practice.

Read through this manual or visit our [Dog and Domestic Animal Control](#) topic page for more information and resources.



Dog Immunizations

The early 1940s saw approximately 40 cases of the rabies virus annually. Extensive vaccination campaigns launched in the 1940s and 1950s, coupled with licensing programs that ensured vaccinations were performed and kept up to date, led to the virtual elimination of canine borne rabies in the United States. According to the Centers for Disease Control and Prevention (CDC), only 0.3 percent of dogs tested for rabies were found to be positive. Contrast that with 1.1 percent of all cats tested. If you search [Title 20, Chapter 193](#), of the Vermont Statutes Annotated (this is titled "Domestic Pet or Wolf-Hybrid Control" but it really addresses the licensing, immunization, and control of dogs almost exclusively) the word "rabies" appears 55 times.

The establishment of licensing programs in Vermont and around the country in the 1940s and '50s was instrumental in abating the proliferation of rabies by requiring all dogs of a certain age to be licensed and their owners to show proof of current vaccination as a prerequisite to doing so. The State's licensing program of dogs, which is predicated upon the submission of a current vaccinations certificate, has virtually eradicated the existence of canine rabies in Vermont. According to the Vermont Department of Health, one dog has tested positive for rabies in the state since 2002. Contrast this with the number of cats, six, that have tested positive over the same period of time.

Though state law does require all domestic pets ("any domestic dogs, domestic cats and ferrets ... and other domestic animals that the commissioner shall establish by rule." [20 V.S.A. § 3541\(3\)](#)) to be inoculated against rabies ([20 V.S.A. § 3581a\(a\)](#)), the primary pet licensing statute ([20 V.S.A. § 3581](#)), only applies to the licensing of dogs and wolf-hybrids, and does not mandate the licensing of cats, though towns may do so by ordinance. It is the State's licensing program that helps ensure proper immunization.



Before licensing a dog, its owner must give their town clerk either the dog's original rabies vaccination certificate or a certified copy of it on a form prescribed by the Secretary of Agriculture. This certificate must be issued by a duly licensed veterinarian stating that the dog received its current pre-exposure rabies vaccination with a vaccine approved by the Secretary of the Agency of Agriculture. [20 V.S.A. § 3581](#). The person licensing their dog must also certify that the dog described in the certificate is the one being licensed. Vermont law is clear on fulfilling this prerequisite to licensing. In addition to stating an owner must have their dog inoculated against rabies by a licensed veterinarian, the law states "in accordance with section 3581 of this title, if applicable, and with rules adopted by the secretary." [20 V.S.A. § 3581a\(a\)](#).

The Commissioner of the Agency of Agriculture exempts certain dogs with medical conditions or advanced age from being vaccinated, as these conditions would prevent the development of an adequate immunity to rabies. Most vets are aware of this exemption and are happy to provide such a certificate if, in their professional opinion, one is warranted. In these instances, the clerk should issue a license upon receipt of a certificate from a licensed vet stating that the dog's medical condition exempts it from vaccination. Whatever appropriate certificate or copy the clerk receives must be kept on file. The license should state somewhere on it that the dog is unvaccinated, exempt, etc. If a licensed but unvaccinated dog subsequently bites someone, the dog will have to be observed and/or quarantined for a mandatory period of ten days to rule out rabies. The Department of Health would work closely with the Town Health Officer in this situation.

A listing of all the different types of dog licenses and their accompanying fee amounts is available on our Vermont Dog and Wolf-Hybrid Licensing page (see upper left).

Publication Date

01/14/2025



Dog License Types and Fees

In Vermont, all dogs over the age of six (6) months must be licensed with the town clerk. All licenses, whether mandatory or voluntary, expire every year on March 31 and must be renewed annually on or before April 1. To obtain a dog license, an owner must provide the town clerk with proof of the dog's current rabies vaccination (unless exempt) along with the required fee. The amount of the fee will depend on the type of license sought. There are four different types of dog licenses, as follows.

Base License

All dogs more than six (6) months old must be licensed annually on or before April 1. The base cost of a license is \$4.00 for each neutered/spayed dog and \$8.00 for each unneutered dog. These base fees increase and decrease by 50 percent, depending on when in the year the license is obtained. Mandatory state surcharges of \$3.00 for the state rabies control program and \$4.00 for its spay and neuter program are added to this fee. Combined with the mandatory state surcharges, the total license fees come out to \$11.00 for neutered/spayed dogs and \$15.00 for dogs that are not neutered/spayed. Towns with an established animal and rabies control program also have the option of imposing a \$10.00 surcharge on each license for the sole purpose of funding this program. Altogether, these fees establish the minimum required charge for licensing a dog.

NOTE: State of Vermont Rabies Control Program fee increased from \$1 to \$3 on January 1, 2025, increasing the base license cost by \$2.



Pet Dealer Permit

A pet dealer permit must be obtained by “any person who sells or exchanges or who offers to sell or exchange cats, dogs, or wolf-hybrids, or any combination thereof, from three or more litters of cats, dogs, or wolf-hybrids in any 12-month period.” [20 V.S.A. § 3541\(10\)](#). This permit does not apply to pet shops licensed by the Agency of Agriculture, animal shelters, or rescue organizations. A pet dealer permit costs \$25.00, which is in addition to the base licensing fee that applies to each dog. If the permit fee is not paid by April 1, the cost of the permit increases to \$37.50. Upon issuance of the pet dealer permit, the town clerk must provide the pet dealer with the following: a copy of Animal Welfare Regulations adopted by the Agency of Agriculture, Food and Markets relating to dogs; contact information for the Animal Health Section within the Division of Food Safety and Consumer Protection of the Agency of Agriculture, Food and Markets; and information from the Department of Taxes on sales tax obligations for the sale of pets. The permit must be prominently displayed on the premises on which the dogs are kept, and the premises are subject to inspection.

Breeding (Special) License

A breeding license is only available for dogs kept for breeding purposes within a proper enclosure. State law defines a “proper enclosure” as “a locked fence or structure of sufficient height and sufficient depth into the ground to prevent the entry of young children and to prevent the animal from escaping. A proper enclosure also provides humane shelter for the animal.” [20 V.S.A. § 3583\(a\)\(1\)](#). The breeding license – previously



known as a “special” license – is distinguished from other licenses in two ways. First, it is the only optional license. Second, a breeding license is the only license whose fee is in place of – not in addition to – the base license. The cost of a breeding license is \$30.00 for the first ten dogs and \$3.00 for each additional dog. The state's rabies control program fee of \$3.00 still applies, but only to each license sold – not to each dog. [20 V.S.A. § 3581\(f\)](#). For example, if a breeding license is sought by an owner breeding eight dogs, the cost of the license would be \$33.00: \$30.00 for the breeding license and \$3.00 for the mandatory state rabies control program fee. If the permit fee is not paid by April 1, the cost of the permit increases to \$45.00, with the cost of each additional animal increasing to \$4.50.

Working Farm Dog License

A person who owns a working farm dog and intends to use it to herd or protect livestock or poultry or to protect crops must obtain a working farm dog license. A “working farm dog” is defined as a dog that is “bred or trained to herd or protect livestock or poultry or to protect crops and is used for those purposes and that is registered as a working farm dog pursuant to subsection 3581(a) of this title.” [20 V.S.A. § 3541\(9\)](#). The cost of a working farm dog license is \$5.00 plus all other licensing fees. [20 V.S.A. § 3581\(a\)](#). A dog with a working farm dog license is exempt from town regulations prohibiting barking or running at large when it is herding or protecting livestock, poultry, or crops on its farmer’s property.

Temporary Vermont Visitors



A person may bring a licensed dog(s) into Vermont for a period not to exceed 90 days, provided the owner has a valid, current certificate of rabies vaccination.

The town clerk must keep a record of all licenses issued, including the name of the dog's owner or keeper, and the name, registered number, and description of the dog. [20 V.S.A. § 3589](#).

A listing of all the different types of dog licenses and their accompanying fee amounts is available on our [Vermont Dog and Wolf-Hybrid Licensing](#) webpage.

Publication Date

03/11/2024



Vermont Dog and Wolf-Hybrid Licensing

- **NOTE: The State of Vermont Rabies Control Program fee increased from \$1 to \$3 on January 1, 2025.** This webpage was updated on December 31, 2024.
- Annual Licensing Deadline for Existing Pet Owners: April 1
- A person who fails to license a dog or wolf-hybrid in the required manner may be fined up to \$500.00. [[20 V.S.A. § 3550\(a\)](#)]

Minimum Fee Schedule

All licensing requirements apply to dogs and wolf-hybrids (DWH) **age six (6) months or older.**

Per Vermont law, **municipalities may levy an optional additional surcharge fee, not to exceed \$10.00, to enforce its animal and rabies control program.** [[20 V.S.A. § 3581\(c\)\(2\)](#)]

Adoption Date (on or before)	License Fee by April 1	Total Fee if Late	Fee after April 1*	Total Fee if Late	Fee after October 1*	Total Fee if Late
Neutered or spayed	\$11.00	\$13.00	\$11.00	\$13.00	\$9.00	\$10.00



Adoption Date (on or before)	License Fee by April 1	Total Fee if Late	Fee after April 1*	Total Fee if Late	Fee after October 1*	Total Fee if Late
NOT neutered or spayed	\$15.00	\$19.00	\$15.00	\$19.00	\$11.00	\$13.00

* DWH adopted between April 1 and October 1: Owner has 30 days to license from time of adoption.

Working Farm Dog Fee: Add \$5.00

Minimum Fee Components: All minimum fees (above in chart) include a required \$3.00 fee for the State of Vermont Rabies Control Program and for the administration of State animal welfare laws as well as a required \$4.00 State of Vermont Spay/Neuter Program fee; this \$7 total per license goes to the State. The municipal clerk (if compensated, in part or in whole, by fees) retains \$2.00 for their own use for each license or permit they issue. The town keeps the remaining balance once the State and clerk are paid their share per license.

Impoundment Financial Hardship Waiver: A municipality may waive the license fee for an impounded DWH upon showing current vaccinations and financial hardship. The State forfeits its portion of the fee.

Special Situations



Annual Breeding License (or Special License) and Pet Dealer Annual Permit Fees

Pet dealers are not exempt from other licensing requirements. See definition of pet dealer below.

Dates	Breeding (or Special) License	Additional Each	Pet Dealer Permit Fee
	1-10 Dogs or Wolf-Hybrids	Additional Each (over 10)	Total (flat) Fee
On or Before April 1	\$30.00	\$3.00	\$25.00
After April 1	\$45.00	\$4.50	\$37.50

Definitions and Requirements

General Licensing Requirements

- Neutered or Spayed Verification: Certificate of Sterilization signed by a licensed veterinarian.
- Vaccination Certificate (or certified copy) signed by a licensed veterinarian.
- Owner Certification of vaccination. (This should be recorded by the municipal clerk.)

Breeding License



Breeders may request a breeding [or special] license. Animals must be held in a proper enclosure. A current rabies vaccination is also required for each dog or wolf-hybrid. Such licensed dogs or wolf-hybrids are exempt from other license fees and any town surcharge. However, each breeding license issued is subject to the \$1.00 State fee for the State Rabies Control Program. **Note: Breeders of cats and ferrets may also apply for a breeding license for their operations.**

Pet Dealer

A pet dealer is any person (excluding pet shops, animal shelters, or rescue organizations) who sells or exchanges, or offers to sell or exchange cats, dogs, or wolf-hybrids, or any combination thereof, from three or more litters in any 12-month period. The permit must be displayed prominently on the premises where the cats, dogs, or wolf-hybrids are kept. **Dealers are not exempt from other required license(s).**

Clerk requirements regarding pet dealers:

1. Provide the pet dealer a copy of Part 3 of the Animal Welfare Regulations (with Animal Health Contact Information) - Vermont Agency of Agriculture, Food and Markets.
2. Provide the pet dealer information about sales tax obligations.
3. Maintain a record of the types of animals kept by the permit holder.

Working Farm Dog License

"Working farm dog" means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops **and** that is used for those purposes **and** that is registered as a working farm dog. Municipalities may not prohibit or regulate a "working farm



dog" barking and/or running at large, on the license holder's property, in order to herd or protect livestock, poultry, or crops.

Temporary Vermont Visitors

A person may bring a licensed dog(s) into Vermont for a period not to exceed 90 days, provided the owner has a valid, current certificate of rabies vaccination.

Municipal Clerk Reporting and Record Requirements

- Deposit license fees into the town treasury within 60 days of receipt.
- Provide a sworn statement regarding amount of money received and paid over by them to the town treasury.
 - Maintain record of issued licenses, with the names of the owners/keepers, names and descriptions of the dogs or wolf-hybrids, and registration numbers.
- A license is valid in any part of the state and may be transferred, provided the license is recorded by the municipal clerk where the dog or wolf-hybrid is currently being kept.

Rabies Vaccination Requirements

1. All dogs and wolf-hybrids over 3 months old must be vaccinated.
2. All vaccinations, including the initial vaccination, must use a U.S. Department of Agriculture-approved three-year rabies vaccine product.
3. All vaccinations must be conducted by a licensed veterinarian.
4. Every animal must receive a booster 9-12 months after initial vaccination.
5. Vaccinations must be given every 36 months.



Animal Enforcement

ENFORCEMENT

Regulating and enforcing dog behavior begins, as do all other activities regulated by towns, with the fact that Vermont is a Dillon's Rule state. As such, a town has only those powers and functions specifically authorized by the Vermont General Assembly and such additional functions as may be incident, subordinate, or necessary to the exercise of that authority. *Petition of Ball Mountain Dam Hydroelectric Project*, 154 Vt. 189 (1990). In short, your authority to regulate dogs emanates from the state. This authority can be either self-executing or enabling. A self-executing statute gives immediate authority to act, sometimes in the form of a mandate or directive, without any implementing action required; an enabling statute gives the authority to act contingent upon implementing action at the local level, such as the adoption of an ordinance. These statutes are replete with "shalls" (things you must do) and "mays" (things you can do if you want). With the exception of [24 V.S.A. § 2291\(10\)](#). The authority to act with respect to dogs almost exclusively resides in [Title 20, Chapter 193, "Domestic Pets or Wolf-Hybrid Control."](#) We'll address the self-executing State laws first to aid in your analysis of whether development of your own dog control ordinance is necessary.

SELF-EXECUTING STATE LAW



Vermont law doesn't require you to adopt an ordinance before regulating dogs and their owners, but it does address most of the more serious issues that you'll come across: licensing and immunization, dogs running at large, and vicious dogs. The law even provides you with a statute to issue a municipal complaint (ticket) for most of these violations (as well as a host of factors to consider) and a prescribed process for handling their resolution. The problem with these statutes is that they tend to be more involved, complicated, and less attuned to resolving the specific issues with which your community may be confronted. They also don't address most nuisance issues (excessive barking, not picking up after your dog) that the general enabling law permits you to regulate.

KILLING DOGS

Even if you haven't adopted an ordinance, state law authorizes the killing of dogs in discrete circumstances. No notice is needed, no hearing is necessary. These are laws that allow you – as the government or private citizen – to summarily kill dogs because of the threat they pose to individuals or the public. In these instances, the law prescribes different notice or in certain circumstances no notice. Though the 14th Amendment to the United States Constitution states that no person can be deprived of property without due process of law, the United States Supreme Court has ruled that, in determining what process is due, consideration must be given to the nature of the property. “So far as property is inoffensive or harmless, it can only be condemned or destroyed by legal proceedings, with due notice to the owner; but so far as it is dangerous to the safety or health of the community, due process of law may authorize its summary destruction.”

“Killing dogs” is a morbid title for a subchapter on Vermont dog law, but [Title 20 Chapter 193](#) uses the word “kill” in various tenses 19 times, thereby warranting a closer examination of who can do it, when it can be done, and what if any process must precede



this act. The more sensitive sounding, but no less permanent phrases, “humanely destroy” and “dispose of in a humane way” are also used. The titles of these subchapters alone reveal some of those offenses for which this ultimate of penalties may be imposed, including the killing or “worrying” of sheep and the attacking of a person or a domestic animal. These titles also indicate that some sort of bounty or fee may be claimed or assessed for the killing to be done. Only roughly half of these statutes involve towns in some form. The rest are laws of general applicability, meaning that they are not peculiar to towns or their officers, but govern the behavior of society as a whole. Those laws specific to towns enable them to order a dog be put down as a result of a vicious dog hearing [\[20 V.S.A. § 3546\(c\)\]](#); offer a bounty to kill a dog caught in the act of killing or worrying sheep [\[20 V.S.A. § 3749\]](#); or require its head to be removed and sent to the Vermont Department of Health if it is rabid [\[20 V.S.A. § 3806\]](#). Each of these statutes and the role towns play in executing them (no pun intended) are described below.

20 V.S.A. § 3545. Right to kill domestic pets or wolf-hybrids generally

This law could be renamed the “dog self-defense” law. If a dog is attacking a person, they may kill it so long as the dog at the time isn't restrained, within an enclosure, or on the owner's property. This protection also extends to dogs wounding, killing, or worrying another domestic pet or animal “when the attendant circumstances are such that the killing is reasonably necessary to prevent injury to the animal or fowl.” A note of caution: a section of the applicable language reads “[a] person may kill a domestic pet or wolf-hybrid that suddenly assaults him or her or when necessary to discontinue an attack upon the person



or another person provided that the attack or assault does not occur while the domestic pet or wolf-hybrid is restrained, within an enclosure containing the domestic pet or wolf-hybrid, or on the premises of the owner." This statute shouldn't be misconstrued to kill any dog that an animal control or local law enforcement officer finds nipping at their heels. Unless the dog is exhibiting signs of rabid behavior (see 20 V.S.A. § 3809 below), the town can pretty much count on the owner of a dog the size of a cat suing the town for killing their dog. Ergo, use your best judgment. If bodily harm is an issue, the law authorizes you to protect yourself.

20 V.S.A. § 3809. Killing a domestic pet or wolf-hybrid which attacks a person or domestic animal.

This law affords the same protections from liability as 20 V.S.A. § 3545, but without the restrictions, by declaring open season on any dog suspected of having rabies that attacks a person or a domestic pet or animal. "Nothing in this subchapter shall be construed as preventing any person from killing a suspected rabid domestic pet or wolf-hybrid that attacks a person, another domestic pet or wolf-hybrid, or domestic animal." The killing is without condition as it isn't predicated upon where the attack occurs, or if the dog is restrained or within an enclosure. Additionally, "[a] person so killing such domestic pet or wolf-hybrid shall not be held liable for damages for such killing." In other words, there is no need to exercise any judgment prior to killing a dog so long as it is suspected of being rabid.



20 V.S.A. § 3624. Who may destroy; fees.

The law mandates that a police officer or constable “shall humanely destroy or cause to be destroyed dogs or wolf-hybrids whenever a warrant has been issued authorizing such actions.” The form of the warrant is found in [20 V.S.A. § 3622](#) and is issued by the selectboard. This is a self-executing provision of state law, which means that, unlike an ordinance which requires selectboard adoption subject to a voter-backed petition, a selectboard may just act upon the express authorization of the statute.

On first read, this law, in isolation, appears to lack important details, such as who issues the warrant, when a warrant may be issued, and under what circumstances. The answers to these questions can be found in [20 V.S.A. § 3621](#). This provision of law addresses the killing of unlicensed dogs.

A warrant can't simply be issued to destroy any dog. This law targets a specific type of dog: the unlicensed. It also answers our other questions: who issues the warrant? (the selectboard), and when may the warrant issued? (at any time). Still, the law's reach is narrower than it first appears. Vacationing dogs (i.e., those brought into Vermont for “a period not exceeding 90 days ...”) are “exempted by section 3587 of this title.” And the law pertains only to those “dogs or wolf-hybrids within the town or city not licensed according to the provisions of this subchapter ...”



The referenced subchapter in [20 V.S.A. § 3624](#) is Subchapter 2 of Chapter 193 of Title 20, which is entitled "Licenses." This subchapter sets forth when dogs must be licensed and the different types of licenses available. The law requires all dogs to be licensed on or before April 1st of every year. Failure to do so, therefore, would be a necessary precondition to a selectboard issuing a warrant for killing the dog. Furthermore, it imposes some duties upon towns in carrying out the legislature's dog licensing program. For example, town clerks must issue license tags ([20 V.S.A. § 3581](#)) and keep a record of licenses issued, along with the names of the owners or keepers, and the names, registered numbers, and descriptions of the dogs. [20 V.S.A. § 3589](#).

At any time thereafter, the selectboard may issue a warrant to one or more law enforcement officers, pound keepers, or duly designated animal control officers directing them to impound all dogs not licensed according to state law and to enter a complaint against their owners. The form of that warrant is mandated by state law and can be found in [20 V.S.A. § 3622](#). The warrant need not be issued for each and every unlicensed dog because it encompasses all unlicensed dogs. This represents the direct or proactive approach to enforcing against unlicensed dogs.

The reactive or indirect approach would be to condition the release of dogs impounded for violating your ordinance upon proper licensing. Though [20 V.S.A. § 3624](#) and language in the warrant found in [20 V.S.A. § 3622](#) say differently, a town officer can't simply "destroy or cause to be destroyed dogs or wolf-hybrids whenever a warrant has been issued ..." The legislature in 2009 enacted changes that direct that a town must first attempt to find suitable homes for these animals



before destroying them. Only if the dogs cannot be placed in an adoptive home or transferred to a humane society within ten days may they then be humanely destroyed. "The municipality shall not be liable for expenses associated with keeping the dog or wolf-hybrid at the animal shelter or rescue organization beyond the established number of days." [20 V.S.A. § 3621\(a\)](#).

The town may waive the license fee for an unlicensed dog that is impounded for this reason upon a showing of a current vaccination or financial hardship on the part of the owner.

20 V.S.A. § 3749. Bounty on dog killing or worrying sheep.

In your local post office, you'll find pictures of the country's most wanted criminals. Vermont has its own version of this notice, but it involves the selectboard placing a bounty on the head of any dog caught in the act of killing or worrying sheep [20 V.S.A. § 3749](#). The bounty is set by statute at \$5.00 per tail. In 1919, when the law was originally enacted, this bounty was the equivalent of \$91.13 in today's dollars, a pretty penny reflecting the relative importance that sheep played in Vermont's economy at the time.

20 V.S.A. § 3807. Killing a domestic pet or wolf-hybrid.



The overriding public health concern underpinning much of Vermont's dog law is the spread of rabies. To try to limit exposure to the disease, the state bestowed broad police powers authorizing selectboards, any officer it designated, and certain state commissioners to order the killing of any dog that has been exposed to rabies, attacked by a rabid animal, or is running at large and is suspected of having rabies. This section of law is the enforcement arm of another statute: [20 V.S.A. § 3806](#). If a dog is not impounded for the reasons noted in [20 V.S.A. § 3806](#) (see below), then there is no further action to be taken under [20 V.S.A. § 3807](#) to stem the spread of rabies. However, the law directs that "(i)n the event that a domestic pet is suspected of exposing a human, pet, wolf-hybrid, or domestic animal to rabies, it shall be managed in accordance with the provisions of this subchapter and the rules of the department of health." Those rules can be found in the Vermont Department of Health's Town Health Officers Manual. Since there exists no pre-exposure rabies vaccine for a wolf-hybrid, the rules for dealing with that animal are different: the animal is immediately destroyed and its head is sent to the Vermont Department of Health for analysis. If, however, a dog impounded under [20 V.S.A. § 3806](#) is not suspected of having been exposed to rabies, it may be released to its owner. If the dog's owner can't be found or it is impractical to confine or impound the dog, then it too may be humanely destroyed.

TICKETING



20 V.S.A. § 3550. Enforcement; municipal legislative body; commissioner.

If your town does not have a dog/animal control ordinance, then it will need to familiarize itself with [20 V.S.A. § 3550](#). This is the statute that allows towns to enforce violations of state law, themselves. The law is somewhat cumbersome and will not address all a town's problems, so read it carefully before relying upon its provisions. Specifically, this law allows towns to impose penalties for violation of "any provisions of Subchapters 1 or 2 (general provisions & licenses), refusal to obtain a pet breeder's license under Subchapter 3, or refusal to comply with an order issued by a municipal officer under Subchapter 5 of this chapter." [20 V.S.A. § 3550\(b\)](#). This means that even if your town doesn't have an ordinance, it can still enforce violations for failure to license or immunize, refusal to obtain a pet breeder's license, failure to comply with certain town orders, and ordinance violations.

Under this law, before an animal control officer or other designee of the selectboard can issue a ticket, they or the selectboard must weigh eight factors to determine what civil penalty or fine to assess. [20 V.S.A. § 3550\(d\)](#). This potentially gives the respondent eight different reasons to appeal the selectboard's fine. This may not be a one-time determination if several state laws were violated. The animal control officer or selectboard would have to make it each time a state law was violated. The factors are:

1. The degree of actual or potential impact on public health, safety, and welfare resulting from the violation.



2. Whether the respondent has cured the violation.
3. The presence of mitigating circumstances.
4. Whether the respondent knew or had reason to know the violation existed.
5. The respondent's record of compliance.
6. The deterrent effect of the penalty.
7. The costs of enforcement.
8. The length of time the violation has existed.

The limits of the civil penalty to be imposed is \$500, which is \$300 less than what the town could charge if it adopts its own standalone dog control ordinance.

That's not all. After the selectboard (or its designee) arrives at this figure, it must issue a notice of alleged violation to the owner either in person or by registered mail. The notice must include:

- the amount of the penalty;
- a brief description of the alleged violation and the law alleged to have been violated;
- a statement that the violator has a right to a hearing (appeal) before the selectboard or its designee;
- a description of how to request such a hearing;
- a statement that failure to request a hearing within 21 days of the date of the mailing of the notice will result in a final decision without a right to appeal, as well as any applicable directive to achieve compliance with the law (e.g., licensing, immunization, etc.).

If that were not enough, the next step is to hold a hearing if the alleged violator makes a request for one to the town clerk no later than 21 days after the date of



the mailing of the notice of violation. This hearing must be held within 14 days of receipt of the request. If no request is made, the decision will be final, and the penalty assessed must be paid within 35 days following mailing of the notice of violation. If a hearing is held, the selectboard may "affirm, reduce or eliminate the penalty" and deliver its decision by certified mail to the alleged violator. If the violator fails to pay the fine, the selectboard can bring a collection action in either smalls claims court or superior court. Of course, the alleged violator has their appeal rights, too – 30 days of receipt of the selectboard's decision.

IMPOUNDMENT

20 V.S.A. § 3806. Confining or impounding a domestic pet or wolf-hybrid.

State law also confers upon particular state and local officials the authority to confine or impound dogs when they:

1. are suspected of having been exposed to rabies;
 1. have been attacked by another animal that may be rabid;
 2. have been attacked by a wild animal;
 3. have been running at large; or
 4. have an unknown vaccination history.



Towns may, therefore, rely upon this provision of state law to impound dogs found running at large without first adopting an ordinance. The benefit of having an ordinance in place is highlighted by the interplay between this statute and its enforcement counterpart, [20 V.S.A. § 3807](#), which directs what towns may do with these dogs. When a dog is impounded pursuant to [20 V.S.A. § 3806](#), its owner must be notified within 24 hours either in person, or by a phone call or written notification to the owner's last known address. If the owner isn't known, the town must provide some posting in the town clerk's office and wherever else public notice is typically made for a one-week period. The statute is silent as to the content of the notice. We recommend including in the notice any information that may help alert the owner, such as describing the breed, sex, apparent age, temperament, observed tendencies, any significant identifying marks, and when, where, and under what circumstances it was impounded.

[Title 20 Section 3807](#), however, is only concerned with the spread of rabies, not whether a dog is licensed or even inoculated as evidenced by the fact that when it's not reasonable to consider the dog rabid it's simply returned to its owner. "(I)f the official finds that it is not reasonable to suspect that a domestic pet or wolf-hybrid impounded under [Section 3806](#) of this title is rabid or has been exposed to rabies, the official may deliver the domestic pet or wolf-hybrid to the owner." The benefit of an ordinance is that a town may include language setting forth the conditions that must be met for the release of any impounded dogs. For example, an ordinance could require owners to license and inoculate their dogs and pay any penalties and impoundment expenses incurred by the town before their dogs are released.



But even this approach has its limitations as it is reactive in nature, addressing the issues of licensing and inoculation on a piecemeal basis only after a dog has been impounded. Conducting the state mandated “dog census” (discussed below) empowers towns to go after each and every four-legged scofflaw; a licensing and inoculation sting operation if you will.

VICIOUS DOG HEARING

20 V.S.A. § 3546. Investigation of vicious domestic pets or wolf-hybrids; order.

Much confusion is associated with [20 V.S.A. § 3546](#), and, because it is one of the most relied upon and controversial in your regulatory arsenal for dealing with dogs, we address it in our Vicious Dog and Domestic Pet Bite Toolkit and our Vicious Dog and Domestic Pet Bite Hearings FAQs (upper left).

ENABLING STATE LAW

Enabling laws are the laws that encompass the “mays” – those provisions of state law that enable or empower towns to act if they so choose and those broad grants that authorize towns to draft their own laws, within certain limits. Given the lack of clarity of the state’s self-executing domestic pet or wolf-hybrid control laws compounded by the realization



that they were not intended to solve every town's problems, but were meant to be applicable statewide, most towns will need to supplement the statutes to address their specific needs.

20 V.S.A. § 3621. Issuance of warrant to impound; complaint.

This law permits selectboards to issue a warrant to police officers, constables, pound keepers, or animal control officers directing them to impound all dogs "not licensed according to the provisions of this subchapter [subchapter 2]," except for those dogs visiting from out of state for no more than 90 days [20 V.S.A. § 3621](#). The warrant must be in the form mandated by [20 V.S.A. § 3622](#). It should be noted that this "warrant" is not like a search warrant issued by a court of law. Rather it is a legislative commandment compelling the impoundment of all unlicensed dogs which must be returned with the names of the owners or keepers of such dogs, to the selectboard within 90 days from the date of issuance.

The officer who carries out the commands of the warrant is entitled to compensation for each dog destroyed, provided they are not regularly employed by the town. The selectboard must also reimburse this officer for any costs incurred carrying out his or her duties. [20 V.S.A. § 3624](#). The power of a warrant issued by the selectboard is clarified in [20 V.S.A. § 3551](#), which states "[a]n officer who has attempted to seize a domestic pet or wolf-hybrid under sections [3546](#), [3549](#), [3624](#), [3745](#), [3806](#), or [3807](#) of this chapter and has not been permitted to search for or take the animal, may apply to a judicial officer authorized to issue



search warrants for a warrant to search the properties of the owner of the animal or any other property if the officer has reasonable cause to believe that the animal may be on it." So, unless the owner voluntarily surrenders their dog, the impounding officer will need to apply to superior court for a search warrant that permits the taking of the animal. This process will invariably involve the town's attorney.

Even if all these steps are taken, an unlicensed dog's life is still not in jeopardy. First, some dog owners may have found themselves in this position due to economic hardship. In that instance, the initial notice should inform the dog owner that the selectboard may waive the license fee upon a showing of current vaccination history and financial hardship. [20 V.S.A. § 3621\(b\)](#). If waived, the state would not receive its portion of the fee. Second, if no waiver is requested and granted, an unlicensed dog is still entitled to a 10-day stay of execution (or some longer period of time established by the town) while the selectboard attempts to find it a more responsible owner by placing it with an animal shelter or rescue organization. The town will be on the hook for the period of time the dog is kept at the shelter, but "shall not be liable for expenses associated with keeping the dog or wolf-hybrid at the animal shelter or rescue organization beyond the established number of days." [20 V.S.A. § 3621\(a\)](#). What constitutes the "established number of days"? Presumably, this is a matter of agreement between the selectboard and the animal shelter, because state law doesn't define this timeframe. If the dog remains unlicensed and can't be placed in an adoptive home, humane society, or rescue organization, then the selectboard may have it humanely destroyed.



As you can see, this process is much more complicated and involved than simply issuing a warrant to a police officer or constable that directs them to impound all unlicensed dogs. One additional complication is that even though the law permits a selectboard to issue a warrant to impound all dogs within the town “at any time,” it also presumes that the town annually conducts a dog census (see below). Failure to adhere to this statutory directive could open the door for the owner of an unlicensed dog to challenge the legal basis of the impoundment. Regardless of whether a town conducts the dog census, a reminder letter informing the owner of his or her dog's possible impoundment and destruction absent remedial action should be sent before the warrant is issued.

20 V.S.A. § 3590. List of dogs and wolf-hybrids not licensed, i.e. “The Dog Census.”

Though this section is mandated by the State (each town's selectboard must “annually designate one or more persons to maintain a list of unlicensed, inoculated and licensed dogs and wolf-hybrids owned or kept in their municipality and to submit the list to the municipal clerk”) it is included here because of the discretionary authority of the selectboard to issue a warrant when it is completed. Upon receipt of this list, commonly referred to as the annual dog census, the clerk must notify all owners or keepers of dogs on the list of the need to license or inoculate their dogs, and that failure to do so may result in their dogs being humanely destroyed. Posting reminders of the need to license and inoculate dogs wherever public notices are typically located will help reach those



who may escape the reach of the census. Once the list is updated, the clerk must forward it to the selectboard by May 30th of each year. [20 V.S.A. § 3590](#).

[Twenty V.S.A. § 3590](#) is one of those statutes that contains a lot of "shalls". In other words, the census is mandatory, not discretionary. The purpose of the census is to establish a starting point for licensing and/or inoculating a dog – or, potentially, their adoption or humane destruction. One of the difficulties of conducting the dog census stems from the fact that the law provides no guidance on how the census is conducted. Another problem is that to "maintain a list of unlicensed, inoculated and licensed dogs and wolf-hybrids," towns need to know who has a dog in the first place. Conducting a census brings to mind the image of numerous people canvassing a neighborhood by asking residents how many dogs are in each household. That's certainly one way to come up with a master list. But unless a town has an army of volunteers at its disposal, it may find that this may not be the most cost-effective way to comply with the law. VLCT's own Municipal Census does not ask how many towns conduct the dog census, so we have no data to support our suspicion that most towns are simply sending out a reminder to all those licensed the previous year to license and/or inoculate their dogs. But that's fine, since that's all the law requires.

Another way to keep down administrative costs is to communicate with dog owners via email. All the law says is that towns must "notify" them; it doesn't say "how" they notify them. As for the scofflaws that towns don't know about, indirect enforcement probably is their most cost-effective solution. Indirect enforcement means complementing its dog census efforts with a reactive licensing/inoculation approach, which it can do by having a provision in its dog control ordinance stating that an impounded dog will not be released to its owner



until it is first licensed and inoculated. A person who doesn't license their dog probably doesn't let it run at large and otherwise avoids running afoul of their town's ordinance to avoid the possibility of impoundment. In that case then the purpose of the dog census is served despite the dog owner's small show of civil disobedience. Just because a dog isn't licensed doesn't mean that it hasn't been inoculated. Remember, if a dog bites a person on the owner's property, it is still subject to a private civil action (though most issues are resolved by an owner's insurance company). But if it is never free of its owner's control, the animal will have a more difficult time spreading rabies, which is ultimately the objective of the law.

Publication Date

01/16/2025



Model Dog Control Ordinance

This most recent iteration of VLCT's model dog control ordinance endeavors to take a somewhat new approach to the age-old problem of how best to regulate man's best friend. Rather than placing the burden of punishment on dogs, this model ordinance attempts to place it with those best positioned to change their behavior and who are ultimately responsible for their actions – their owners. Prior to using this model, review our VLCT ordinance resources (left).

Model Dog Control Ordinance Overview

This most recent iteration of VLCT's model dog control ordinance endeavors to take a somewhat new approach to the age-old problem of how best to regulate man's best friend. Rather than placing the burden of punishment on dogs, this model ordinance attempts to place it with those best positioned to change their behavior and who are ultimately responsible for their actions – their owners. Specifically, the ordinance designates any owner who has violated the ordinance a set number of times within a given timeframe (both to be determined by the selectboard) as a "reckless dog owner." In this case, the ordinance would require the owner to either submit proof of successful completion of a behavior modification program, which is designed to improve their understanding of dog ownership responsibilities, or face impoundment of the animal.

The model ordinance also takes a new approach to enforcement. Instead of treating all ordinance violations the same by imposing the same fine, this new model takes into



consideration the impact of the harm that dogs inflict upon society by instituting a tiered enforcement structure. For example, a dog running at large, particularly one with an unknown rabies history, poses a substantially greater risk to the public health and safety than an owner who fails to pick up after their dog. This model reflects that difference by allowing towns to impose different fine amounts for different offenses while retaining the ability to escalate fines for subsequent violations. Under the newly amended model ordinance, towns also have the option of ticketing owners of "potentially vicious dogs" [i.e., dogs that chase a person, attack another domestic pet or animal, etc.].

Why Adopt a Dog Control Ordinance?

There are various reasons for adopting a dog control ordinance. Does your town have a problem with dogs running at large? Do homeowners complain to you about having to pick up the mess left behind by someone else's dog? Is the peace and tranquility of your quiet town disrupted by the sound of incessant whining, barking, and howling echoing throughout the valley? If the answer to any of these questions is yes, then your town should consider adopting a dog control ordinance.

Few fields of law demand so much immediate attention, elicit such reactionary responses, draw the concern and ire of the public, or are as confusing to administer and enforce as Vermont's dog laws, which is why MAC has developed this model dog control ordinance to help you. An ordinance is a local law that allows a selectboard to regulate the conduct of all its inhabitants, including dogs and their owners. An ordinance sets expectations the townspeople have for dogs and their owners' behavior and notifies people of potential consequences when these expectations are not met, including impoundment and fines. An ordinance may not solve or address all your town's dog



related problems but, when coupled with a commitment to enforcement, an ordinance will likely lessen the frequency of these infractions.

The "Potentially Vicious" Dog Option

The Vermont Supreme Court has made it abundantly clear that a "town's right to control dogs that bite does not give rise to a generalized duty to control vicious dogs." *Rubin v. Town of Poultney*, 168 Vt. 624 (1998). Existing state law provides limited authority to regulate the behavior of aggressive dogs. Twenty V.S.A. § 3546 requires a selectboard to investigate and hold a hearing when there is a written complaint of a "vicious" dog -- a dog that: (1) bites a person; (2) off the dog owner's premises; and (3) causes the bitten to require medical attention. All three of the above criteria must be met before triggering a selectboard's statutory duty to investigate. However, this is just the minimum the law requires. For various reasons, a selectboard may want to take on more responsibility by regulating aggressive dogs before they get to this point. In such instances, a selectboard can use a local ordinance to potentially head off more dangerous consequences by extending a town's authority over (and responsibility for) aggressive dogs beyond its basic legal obligations to better protect the public.

This model ordinance gives selectboards the option of employing greater flexibility to regulate the behavior of aggressive dogs, so long as they are willing to take on the additional responsibility that comes with such regulation. Specifically, this model gives the selectboard the authority to regulate dogs that are deemed to be "potentially vicious," (see VLCT's Model Dog Control Ordinance bracketed sections, marked "Optional"). It also gives the selectboard the option to choose whether to regulate bites that occur on the owner's premises. Before making the decision about whether a town will regulate such



conduct, the selectboard should be aware of the associated responsibility that results from adopting an ordinance. According to the Dog Bite Law Center, approximately 70% of all dog bites occur on a dog owner's property which means choosing this option may result in a marked increase in vicious dog hearings. In addition, there is a risk of increased liability exposure to the town if the ordinance is adopted but not carefully enforced. Consequently, a town instituting these options should be sure to hold a hearing when a complaint is received and adhere to the processes laid out for "vicious" dog hearings, including rendering a protective order when necessary. Furthermore, a town incorporating this option should anticipate an associated increase in administrative and enforcement costs related to compliance. All these factors must be weighed against the projected benefits of addressing these issues through an ordinance.

How to Customize the Ordinance

In addition to referring to this guidance, as needed, it is important that you read our ordinance resources (left), considering each element related to your community's resources and expectations. Opportunities for editing this ordinance are designated with brackets or "Optional" italicized text. You must remove, replace, or accept the customizable language before adopting the ordinance. The selectboard should consult with law enforcement to ensure that the provisions of the ordinance are relevant and realistic in terms of the resources needed for enforcement.

Publication Date

07/08/2021



Vicious Dog and Domestic Pet Bite Hearings Toolkit

Hearings about bites by “vicious” dogs or domestic pets are complex, emotional, time consuming, and subject to appeal. MAC has created a comprehensive toolkit with guidance and model templates to help municipal officers perform their dog/domestic pet bite-related obligations under [20 V.S.A. § 3546](#), such as investigations, and to ensure their determinations are upheld.

Instructions on how to use these resources: Each model includes squared parentheses [...] that offer options or prompts for suggested texts. These are intended to serve only as internal guidance for the user and must be deleted and replaced with appropriate text. The rounded parentheses (...) offer notes for the recipient of the finalized documents and should be left as-is.

Publication Date

10/03/2022



Vicious Dog and Domestic Pet Bite Hearings FAQs

This page contains essential FAQs on investigating and holding dog and domestic pet bite hearings pursuant to [20 V.S.A. § 3546](#).

What is a “domestic pet”?

A “domestic pet” means any domestic dogs, domestic cats, and ferrets. [20 V.S.A. § 3541](#)

New 3/5/2025! What should the town health officer do when they receive a report of a dog bite?

In all dog bite cases, there is a role for the town health officer, which reflects the state's primary concern about the spread of rabies. A town health officer, who is a state officer that serves at the local level, is provided with very specific instructions from the Vermont Department of Health's regulations regarding handling all dog bites. These regulations are found in the [Vermont Town Health](#)



[Officer Manual](#). In relevant part, it directs that the town health officer must:

1. contact the victim and the owner of the dog to investigate the incident,
2. complete the Animal Bite Report Form (included in the Town Health Officer Manual),
3. determine the dog's rabies vaccination status, and
4. require that the dog be confined and observed for 10 days to determine whether it is healthy.

When a town health officer receives a report of a dog bite, they must complete a dog bite form and file it with the town clerk. While it might appear unnecessary to confine and observe a dog that has proof of current rabies vaccination, the Vermont Department of Health still requires it as a precautionary measure. According to the department's website on rabies facts, "[d]ogs or cats that have been vaccinated, or show no sign of rabies, can be watched under supervision of a town health officer. If they don't develop rabies within 10 days, you will not get rabies." Though it is not always necessary to confine the alleged offending dog off-premises, it can be confined at a facility at the owner's expense if the health officer believes the owner will not be able to confine the dog adequately. If the health officer determines that the owner of the animal will not be able to confine it on-premises for the required 10-day period and the owner refuses to turn the dog over to the health officer's custody, then they may apply to court for issuance of a search warrant to allow a law enforcement officer to search the premises and seize the animal pursuant to [20 V.S.A. § 3551](#).

Town health officers with additional questions are directed to contact the Vermont Department of Health Duty Officer at 1-800-439-8550 between the



hours of 7:45 AM and 4:30 PM on weekdays and at (802) 863-7240 or 1-800-640-4374 during off hours.

When is a legislative body (selectboard, city council, village trustees, etc.) required to hold a vicious dog or domestic pet bite hearing?

Under state law, a legislative body is only required to hold a vicious dog or domestic pet hearing when all four of the following key elements have been satisfied: 1) a dog or domestic pet has bitten a person; 2) while the dog or domestic pet is off the premises of the owner or keeper 3) the person bitten requires medical attention for the attack and; 4) the person bitten files a written complaint with the legislative body of the municipality. [20 V.S.A. § 3546](#). The complaint must include the time, date, and place where the attack took place, the name and address of the victim(s), and any other facts that could aid in the legislative body's investigation. Legislative bodies should follow up with complainants when this information is incomplete and inform them that, absent the required information, the request for a hearing cannot be honored.

Does a vicious dog or domestic pet bite hearing need to be recorded?

Yes. Recent amendments to VT's Open Meeting Law require all meetings and hearings of non-advisory bodies to be recorded (audio or video). "A public body of



a municipality or political subdivision, except advisory bodies, shall record, in audio or video form..." [1 V.S.A. § 312\(a\)\(6\)\(A\)](#). Though not explicitly defined by the Act, a "non-advisory body" would necessarily have to be any public body that does not satisfy the definition of an "advisory body." The law defines an "advisory body" as a "public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters." [1 V.S.A. § 310\(1\)](#). Since the legislative bodies exercise quasi-judicial authority when it hears vicious dog or domestic pet bite cases, it would qualify as a non-advisory body and therefore must record its hearings.

Do the recordings need to be posted?

Yes. The same amendments referenced above require all non-advisory bodies to, "post a copy of the recording in a designated electronic location for a minimum of 30 days following the approval and posting of the official minutes for a meeting." [1 V.S.A. § 312\(a\)\(6\)\(A\)](#). The enactment of Act 133 (S.55, 2024) requires all non-advisory public bodies to record, in audio or video form, their meetings and post the recordings in a designated electronic location for a minimum of 30 days following the approval and posting of the official minutes of the meeting which was recorded. [1 V.S.A. § 312\(a\)\(6\)](#).

What if a person is bitten but it occurs on the premises of the owner or keeper of the dog/domestic pet?



In that case, the legislative body is not required to hold a vicious dog or domestic pet hearing. Some municipalities, however, have ordinances that regulate bites that occur on premises, too, in which case the legislative body should follow their ordinance. Regardless of where the bite occurred, the town health officer should be contacted to investigate suspected exposure to rabies.

What constitutes the “premises of the owner or keeper?”

For example, if a person was bitten by a dog/domestic pet sitting in the owner's vehicle in a public parking lot and the victim required medical attention and filed a written complaint, does the legislative body have to hold a “vicious” dog /domestic pet hearing?

The controlling statute requires that the legislative body must investigate the complaint and hold a hearing when a dog/domestic pet has “bitten a person while the domestic pet or animal or wolf-hybrid is off the premises of the owner or keeper . . .” and such person files a complaint with the legislative body. The law refers to the owner or keeper's “premises” not “property” and, legally, there is a difference. Black's Law Dictionary defines “premises” as “(a) house or building, along with its grounds.” This is different from the broader term “property” which is defined as “(a)ny external thing over which the rights of possession, use, and enjoyment are exercised.” Black's Law Dictionary (7th ed. 1999). This distinction is important. If a person was bitten by a dog sitting in its owner's vehicle in a public



space, the vehicle - while property - is not considered premises in the eyes of the law. Consequently, such a dog would be considered "off the premises of the owner" and a hearing would be required assuming all the other elements are satisfied.

Notably, the Legislature made no distinction between a dog/domestic pet that is "off the premises" of its owner and a dog/domestic pet that is running-at-large with respect to bites. For example, a dog is considered "off the premises" of its owner when it is taken for a walk regardless of whether it is on or off a leash, under the owner's verbal command, or in or outside the owner's vehicle. Whether or not the dog was running-at-large when it bit someone doesn't factor into the analysis of whether a "vicious" dog/domestic pet hearing must be held. The phrasing "off the premises of the owner" informs us that the Legislature was primarily concerned with how dogs/domestic pets behave in public, not with how they behave while on the private premises of their owners.

What about if a dog or domestic pet bites someone on the owner's rental property (e.g. common areas to an apartment complex, campsite in a public campground, etc.)?

Because the dog/domestic pet's owner is renting the property, it means they have a leasehold interest regardless of the duration of its term. This interest would likely suffice as establishing it as the "premises of the owner or keeper." This incident is more closely aligned to the dog or domestic pet biting a



trespasser. Consequently, the legislative body should consider the animal "on" the premises of its owner, not "off," and would not have to conduct a hearing in such an instance.

What if a person's dog or domestic pet leaves their property and attacks another person's dog or domestic pet or animal? Does the legislative body have to hold a vicious dog hearing then?

No, not under state law, because the requirement to hold such a hearing only applies when a person, not another dog or domestic pet or animal, is bitten. State law does authorize the impoundment of such dogs/domestic pets for running-at-large, if applicable, but otherwise a vicious dog or domestic pet hearing would only need to be held under those circumstances if required under the municipality's dog/animal control ordinance.

We have seven (7) days from receipt of a written complaint to open a vicious dog or domestic pet hearing. Can the time be extended by mutual consent of the parties involved?

For example, if the owner of the dog or domestic pet or complainant is not available, can they agree to waive and extend this timeframe?



Strictly speaking, probably not, although there has been no Vermont Supreme Court case that addresses this question. As a Dillon's Rule state, municipalities only have the authority that's been provided them by the Legislature. The 7-day timeframe is imposed by statute and the statute does not permit the timing of the hearing to be subject to agreement or change by the parties. Therefore, we do not think it is subject to extension by their mutual consent. Keep in mind that the immediacy of the hearing is to respond to a potential public health hazard posed by the dog or domestic pet subject to the complaint.

The preferable course of action in this situation would be to have the legislative body open the hearing within the requisite 7-day timeframe and continue the hearing (by motion) to a date, time, and place certain in the not-too-distant future. Note that the law does not require attendance of either of these parties at the hearing, just that notice be provided to the dog or domestic pet owner.

Technically, while the legislative body can proceed with the hearing without their attendance, continuing to a date, time, place to allow for their participation will potentially provide the legislative body with a more complete picture of what transpired and greater insight into how best to address the situation.

Does the vicious dog or domestic pet hearing notice need to be sent via certified mail? What if individuals refuse to pick up certified mail or "dodge" the notice? Is there an alternative, such as attaching notice to the dog or domestic pet owner's door



The law does not require notice to be sent via certified mail, nor does it require proof of receipt (i.e. actual notice). We recommend this method as a best practice to document proof of delivery/receipt. The law simply requires notice to be sent to the dog or domestic pet owner. This can be documented by keeping a copy of the notice with a notation of when it was mailed or hand-delivered, along with the issuing officer's initials, for the file. Even if the mailing was refused or "dodged," so long as the notice was delivered within the requisite 7-days, then the statutory requirement would have been satisfied.

Can the legislative body choose to hold a vicious dog or domestic pet hearing without receiving a written complaint?

Only if the voters enable them to do so. State law authorizes legislative bodies to regulate dogs/domestic pets by ordinance in a manner that is inconsistent with state law if the town so votes, pursuant to [20 V.S.A. § 3546\(e\)](#). Otherwise, the law requires all four elements to be satisfied (1. dog bite; 2. off the owner or keeper's premises; 3. medical attention required; and 4. complaint filed) before the legislative body can (must) hold a vicious dog or domestic pet hearing. Failure to follow this law without another basis for holding the hearing could risk the decision and protective order being challenged and deemed unenforceable in a court of law.



Does the legislative body have to designate a physical meeting location or provide electronic access to its hearing upon request?

No, not a hearing. Ordinarily, a resident of the town served by the public body, member of the public body itself, or member of the press may request that a local public body designate a physical meeting location if it's meeting remotely or that it provides electronic/telephonic access to its in-person meeting. The request would have to be made in writing no less than two business days before the meeting. Such requests, however, only apply to a public body's next regularly scheduled meeting and not to a series of regular meetings, special meetings, emergency meetings, or field visits.

The public body must grant the request unless:

- there is an all-hazards event or a state of emergency;
- there is a local incident; or
- compliance would impose an undue hardship on the municipality. [1 V.S.A. § 312\(j\)](#).

A hearing, however, is not a regularly scheduled meeting as it is not reoccurring. Consequently, such a request would not have to be honored.

Can the legislative body conduct a hearing without designating a physical meeting location (remotely)?



Yes, but only to attend an emergency meeting of the body or when necessary to respond to a local incident (as defined by the law, see below) or a state of emergency.

What is a "local incident"?

The law defines a "local incident" as "a weather event, loss of power or telecommunication services, public health emergency, public safety threat, received threat that a member of the public body believes may place the member or another person in reasonable apprehension of death or serious bodily injury, or other event that directly impedes the ability of a public body to hold a meeting electronically or in a designated physical location." [1 V.S.A. § 312a\(a\)\(4\)](#).

What does the legislative body do at the vicious bite hearing?

The hearing has two principal objectives: 1) determining whether the dog or domestic pet bit the victim without provocation; and 2) rendering a protective order commensurate with the facts and circumstances of the case.

The legislative body's first objective is to find out whether the dog or domestic pet bit the victim without provocation. This should be revealed easily enough



through testimony and other evidence, such as asking the victim and any available witnesses questions surrounding how the attack occurred. The legislative body, considering the relevant and credible evidence and testimony, next determines whether the dog or domestic pet was provoked. Whichever way it finds, it would state so in its written opinion.

If the legislative body determines that the dog or domestic pet was unprovoked, then its second objective is to determine what measure(s) it should impose to protect the public from the animal. The measures imposed must be warranted by "the facts and circumstances of the case..." The imposition of this next level of inquiry necessitates additional fact finding on behalf of the legislative body. Failure to fit the punishment to the crime increases the likelihood that its decision will be appealed and its protective order vacated or modified.

Ultimately, the legislative body performs its due diligence by ensuring its protective order, if applicable, emanates from the facts and circumstances of the particular case before it, is reasonably related to protecting the public safety, and is fair to the dog or domestic pet and its owner.

New 3/5/2025! Why do dogs bite?

Dog bites typically happen for several reasons. Knowing these causes can help instruct what questions you should ask the dog's owner during the vicious dog hearing and how to fashion the protective measures of your board's protective



order. For example, some dogs bite because, unbeknownst to their owner, they are physically sick. Consider asking the owner these questions at the hearing: When was the date of the dog's last veterinarian visit? Has there been any noticeable change in the dog's physical appearance or demeanor? Has the dog itself been attacked or bitten recently? Depending on the answer to these and other questions and based upon the facts and circumstances of the case, your protective order will set forth certain conditions specific to these root causes. Other reasons for bites are that the dog (1) is unaltered (unneutered/unspayed); (2) has been trained to act aggressively; (3) has been abused or neglected (or has been chained up for extensive periods of time); (4) chases moving objects; and/or (5) acts out of protective or territorial instinctive behavior.

What constitutes "provoked" for purposes of the hearing?

The controlling law states, in relevant part, "[i]f the domestic pet or wolf-hybrid 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..." [20 V.S.A. § 3546\(c\)](#). The law doesn't define "provoked" but in this context it would mean any behavior that one could argue justified the bite. For example, if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person 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. The selectboard should try to



distinguish normal behavioral traits from the types of abnormal aggressive behavior (i.e., viciousness) that is dangerous to the public and which warrants being addressed by a protective order.

What happens to the dog or domestic pet during the hearing?

It depends on the facts of the alleged bite. One option is that the animal is impounded pending the duration of the hearing and issuance of the legislative body's decision. Alternatively, the animal control officer or the ordinance's enforcement officer could order the owner to keep the dog or domestic pet on the owner's premises until the hearing has been resolved. The municipality may also seek assistance from the humane society for other options. The options available to the municipality will largely depend on what its animal/dog control ordinance says. If the dog is already in the municipality's possession, then it should have a provision in its ordinance that it will not be released (if at all) until the final disposition of the vicious dog or domestic pet hearing, until all penalties and impoundment fees have been paid, and until after all necessary remedial action has been taken.

New 3/5/2025! What are deliberations and how are they used to reach a decision?



Upon motion and majority approval, the chair can either adjourn the hearing to a time and date certain (e.g., to obtain additional evidence), or close the proceedings by stating that this is the final public hearing on the matter. The selectboard will then conduct a public deliberation or may vote to enter a private deliberative session. In the case of private deliberations, the written decision of the selectboard setting forth its findings of facts, conclusion of law, and decision (with or without a protective order for the dog) must be delivered to the owner by certified mail.

A public deliberation allows the public to observe but not participate in the consideration. A private deliberative session allows a selectboard to make its decision in a neutral environment, where it can freely discuss, without undue pressure, the reasons for and against granting its decision and order. This is an exemption to Vermont's Open Meeting Law (OML) that allows the selectboard to weigh, examine, and discuss the reasons for and against issuing a protective order and what form it should take. The OML does not extend to "the judicial branch of the government of Vermont or of any part of the same or to the public service board; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding."[1 V.S.A. § 312\(e\)](#). This process is analogous to a jury deliberating in private during a court proceeding. The written decision of the selectboard will serve as its final decision.

New 3/5/2025! What should be included in the selectboard's written decision?



Each written decision should include such basic information as the names of the complainant and dog owner, a description and name of the dog, its license number and whether it has a current rabies vaccination, the date and time of the hearing, the names of selectboard members who participated in the hearing, all persons who testified, and should reference the written evidence offered. In addition to the selectboard's conclusion as to whether the bite occurred off the owner's premises and without provocation, the decision should include the selectboard's findings of fact. These are facts gleaned from the evidence presented at the hearing that the selectboard deems credible and relevant and which it will use to develop and support the reasons for its decision and order.

There is no statutory deadline for issuance of vicious dog decisions. The selectboard should take whatever reasonable amount of time is necessary to prepare a complete and accurate decision and, if applicable, protective order. As with any action by the selectboard, a majority of the members of the board must concur in their vote to render a decision. The law governing taking action states that "[w]hen joint authority is given to three or more, the concurrence of a majority of such number shall be sufficient and shall be required in its exercise." 1 V.S.A. § 172. This means that if only three members of a five-member board are available, the board can convene, but all three must agree to take any action.

New 3/5/2025! What is a protective order?



The decision/protective order is the articulation of the selectboard's determination of whether the dog is found to have bitten the victim without provocation and, if it has, its order for the "protection of persons." The "persons" to be protected include not only the victim but the public at large.

New 3/5/2025! What should the "protective order" require?

Options for what measures the selectboard can impose upon the owner or keeper of the dog in its protective order include that the dog be "disposed of in a humane way, muzzled, chained, or confined." These, however, are not the selectboard's only choices because the law uses the phrase "without limitation." These measures are only examples meant to illustrate what actions may be appropriate, not an exhaustive list. Fortunately, the Vermont Legislature had the foresight to recognize that the examples of enforcement that it provides may change over time and not effectively protect the public. Unfortunately, when specific examples aren't provided, they tend to be out-of-sight and out-of-mind, meaning that most towns simply impose sanctions that are expressly referenced by the Legislature. This is where there is an opportunity for you to use some imagination when issuing a protective measure, such as:

1. Ordering an unaltered dog to be neutered, unless a veterinarian deems the animal unfit due to a medical condition. Most dog attacks are perpetrated by



unaltered dogs.

2. Requiring the owner to successfully complete a responsible dog owner course. Oftentimes, the aggressiveness a dog demonstrates is attributable to irresponsible ownership.
3. Requiring the dog to successfully complete the American Kennel Club's "Canine Good Citizen Program." This program – which promotes responsible dog ownership and well-mannered dogs that are accepting of friendly strangers, interact positively with other dogs, and react appropriately in public – is recognized by the Vermont Legislature in Joint Resolution No. R053 in the 2009-2010 Legislative Session.
4. Requiring that the owner provide proof of an adequate amount of insurance (say, \$100,000) to protect the owner against any loss, damage or injury to persons, domestic animals and pets, or property resulting from the acts of its dog.

Having found that a dog bit someone without provocation is not sufficient justification to order its humane disposal, though such an order may be appropriate and necessary if the circumstances of your hearing call for it. Ordering a dog to be humanely destroyed is the easiest and surest solution to preventing the animal from posing any threat to the public, but it's also overly relied upon. Massachusetts and other states now recognize that the best way to control dogs is to impose responsibility upon their owners. A refusal to, for example, commit to a responsible dog ownership class, is indicative of a lack of commitment to their dog and, hence, to their neighbors and their community. Your order should condition relinquishment of their property interest in their dog upon satisfactory proof of completion of the conditions you impose. Requiring



dog owners to exercise the duty of care that they should have exercised from the beginning will make them more mindful of their responsibilities now and in the future.

New 3/5/2025! Can the selectboard's decision be appealed?

Yes. Vermont's vicious dog law is silent as to appeals from vicious dog hearings, so any appeal of a selectboard's decision may be brought in superior court. "Any action or failure or refusal to act by an agency of the state or a political subdivision thereof, including any department, board, commission, or officer, that is not appealable under Rule 74 may be reviewed in accordance with this rule if such review is otherwise available by law." Vermont Rules of Civil Procedure (V.R.C.P.) Rule 75. This is the process of appeal for any decision of "an agency of the state or a political subdivision thereof, including any department, board, commission, or officer" when there is no statutory appeal process. When no time limit is specified by statute, "the complaint shall be filed [with the Court] within 30 days after notice of any action or refusal to act of which review is sought ... and, in the event of a failure to act, within six months after expiration of the time in which action should reasonably have occurred." V.R.C.P. 75(c).

If a timely appeal is filed, the superior court for the town's county will conduct what is called a "de novo" trial. At a de novo (which is Latin for "anew") hearing, the court will take evidence, make findings and conclusions, and essentially proceed as if the selectboard's hearing had not been previously heard and decided. The



court may “affirm, reverse, or modify” the selectboard’s decision. V.R.C.P. Rule 75(d). Until that time, any decision and/or protective order rendered by the selectboard will remain in force and effect unless a motion to stay (i.e., a suspension of the selectboard’s decision) is granted by the court. V.R.C.P. Rule 75(c). If the selectboard receives a complaint seeking an appeal of its decision, it should seek legal help from its attorney.

New 3/5/2025! What happens if no appeal is filed and the dog’s owner fails to comply with the selectboard’s protective order?

The governing law states that “[a] person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in Section 3550 of this chapter.” [20 V.S.A. § 3546\(c\)](#). Title 20, Section 3550 is a little used provision of state law which provides a self-executing enforcement mechanism for violations of state licensing and inoculation laws, as well as municipal ordinances that regulate the “keeping, leashing, muzzling, restraint, impoundment, and destruction of domestic pets or wolf-hybrids and their running at large ...” [20 V.S.A. § 3549](#).

Typically, towns opt to follow the enforcement provisions in their own ordinances rather than the complex and time-consuming process laid out in [20 V.S.A. § 3550](#) for determining the civil penalty to be issued against the violator. Since the protective order already sets forth the necessary remedial action to protect public safety, the only provision of [20 V.S.A. § 3550](#) that is applicable when an



order is not followed is subsection (j), which provides that on “application of a municipality or the commissioner, the superior court shall have jurisdiction to enjoin the violation of any provision of this chapter.

The court may also authorize the seizure and disposition of domestic pets or wolf-hybrids when owners refuse to have the pets or wolf-hybrids inoculated or licensed, or when the court determines that there is a threat to the public welfare.” Selectboards should work closely with their town attorneys if they are considering bringing an enforcement action in superior court.

Can/should/must the selectboard still hold a "vicious" dog hearing if the dog's owner relocates to another town?

A resident's dog bit someone while it was off the premises of its owner. The victim required medical attention and filed a completed bite complaint with the selectboard. The dog's owner, however, has since moved to the neighboring town.

First, contact the health officer, animal control officer, and selectboard chair in the neighboring town and let them know what happened. The selectboard likely has three options:

1. Do nothing. Generally speaking, government employees are shielded from exposure to personal tort liability under the doctrine of qualified official immunity when performing discretionary acts within the scope of their authority. In addition,



towns themselves are typically shielded from liability for their negligent acts, so long as they occur while the municipality town is acting in its "governmental" (as opposed to proprietary) capacity. Furthermore, absent a duty of care, an action in negligence will fail. A duty of care derives from the idea that it is the party in control who is in the best position to protect against harm. Here, the duty of care rests with the dog's owner or keeper, not the town, as it is the owner who is responsible for its proper restraint. Even if the victim was attacked by a dog that the town knew had a vicious disposition, an action in negligence against the town will fail. Commenting on a town's failure to act when notified of such a propensity, the Vermont Supreme Court ruled that "[d]espite the statute's general title, 'investigation of vicious dogs,' it deals specifically with investigation of dogs that bite rather than any general right to control dogs. In this case, defendants' ability to exercise control over dogs exists in narrowly circumscribed conditions and is statutory, not contractual, in nature...The town's right to control dogs that bite does not give rise to a generalized duty to control vicious dogs." *Rubin v. Town of Poultney*, 168 Vt. 624 (1998).

2. Does the town's ordinance define a "vicious dog" as one that bites a person without consideration as to whether the bite occurred on or off the owner's property? If so, the town should move forward with a hearing, provide notice and an opportunity to be heard to the owner, and issue a protective order that fits the circumstances, regardless of whether the town will be able to enforce it (a town's regulatory reach extends only so far as its territorial boundaries).
3. The selectboard and health officer could try issuing a health order to the owner to prevent future public health hazards by, for example, banning the dog from the



town's limits with an opportunity for a hearing after the fact. However, it is advisable to consult with the town attorney in this instance.

What is the "one bite" rule?

The "one bite" rule has nothing to do with the town. It's a common law (judge made) principle that "the keeper of a domestic dog is not liable for injuries to persons and property unless the owner had some reason to know the animal was a probable source of danger." *Davis v. [557] Bedell*, 123 Vt. 441, 442-43, 194 A.2d 67, 68 (1963). Stated another way, liability attaches only when "the dog's past behavior has been such as to require a person of reasonable prudence to foresee harm to the person or property of others." *Hillier v. Noble*, 142 Vt. 552 (1983). The aspect of how many bites have occurred may be relevant to a private civil action regarding the knowledge of the dog's owner regarding the propensity for the dog to be vicious, but it is not relevant to the town's implementation of its dog control program and its vicious dog hearing responsibilities. If there was a bite, the factors that trigger a selectboard's legal obligation to hold a vicious dog hearing are (1) a bite that occurs off the premises of the owner; (2) the person requires medical attention; and (3) a written complaint is filed. This will apply whether it is the dog's first bite or tenth bite.

Publication Date

10/03/2022



Animal Cruelty

This page contains essential information about animal cruelty applicable to all animals, both domestic pets and animals.

ANIMAL CRUELTY

Cruelty towards animals is a crime that pertains to all "sentient creatures, not human beings." As such, the law's scope has a much broader focus than just on dogs. There are various degrees of animal cruelty offenses, and can include, but are not limited to such acts as, killing or attempting to kill an animal; depriving an animal of adequate food, water, shelter, rest, sanitation, or necessary medical attention; overworking, overloading, torturing, tormenting, or abandoning an animal; ties, tethers, or restrains an animal in a way that is inhumane; owns, posses, keeps, or trains an animal engaged in fighting; or acts as a judge or spectator at an animal fighting event or bets on the outcome of such a fight.

A person found guilty may be imprisoned for up to 10 years, ordered to undergo psychiatric or psychological counseling, forfeit the right to own, care, or possess any animals now and in the future, participate in animal cruelty prevention programs, pay a fine of upwards of \$7,500, and other penalties. [13 V.S.A. § 353](#).

Vermont's criminal animal cruelty laws are enforced by "humane officers," which includes law enforcement officers, investigators employed by the Office of the Attorney General or State's Attorney, an animal control officer employed by a municipal or State law enforcement agency to perform the duties and functions of a humane officer who has received the requisite animal cruelty response training, or a Division of Animal Welfare



employee authorized to conduct investigations. [13 V.S.A. §§ 351\(4\), 356](#). Animal control officers do not have enforcement authority unless they are employed by a municipal or State law enforcement agency and have received the requisite animal cruelty training.

A humane officer may accept any animal surrendered during an animal cruelty investigation and may seize any animal that is being cruelly treated. A humane officer who has probable cause to believe that an animal is being abused may apply to a court for a search warrant to authorize the officer to enter the premises where the animal is kept and seize the animal. A veterinarian licensed to practice in Vermont must accompany the humane officer during the execution of the search warrant. If the humane officer witnesses a situation in which they determine an animal's life is in jeopardy and immediate action is required to protect its health or safety, the officer may seize the animal without a warrant. In such an instance, the humane officer must immediately take the seized animal to a licensed veterinarian for medical attention to stabilize the animal's condition and to assess its health. [13 V.S.A. § 354\(b\)](#). A humane officer must consult with the Secretary of Agriculture, Food and Markets prior to any animal cruelty enforcement action that involves livestock or poultry. [13 V.S.A. § 354\(a\)](#)

A humane officer must provide suitable care at a reasonable cost for any animal seized and have a lien on the animal for all expenses incurred. A humane officer may arrange for the euthanasia of a severely injured, diseased, or suffering animal upon the recommendation of a licensed veterinarian and may also arrange for euthanasia of an animal seized when the owner is unwilling or unable to provide necessary medical attention required while the animal is in custodial care or when the animal cannot be safely confined under standard housing conditions. An animal seized that is not destroyed by euthanasia, with exception, must be kept in custodial care and provided with necessary medical care until final disposition of the criminal charges. The caregiver must



be responsible for maintaining the records applicable to all animals seized, including identification, residence, location, medical treatment, and disposition of the animals. [13 V.S.A. § 354\(c\)](#). If an animal is seized pursuant to [13 V.S.A. § 354](#) the State may institute a civil proceeding for forfeiture of the animal. A preliminary hearing must be held within 21 days of forfeiture. [13 V.S.A. § 354\(e\)](#).

Municipalities who receive an animal cruelty complaint, should contact their local humane officer (law enforcement, or animal control officer employed by a municipal, State law enforcement agency, or a Division of Animal Welfare employee authorized to conduct investigations who has received the requisite animal cruelty training).

Municipalities also have the legal authority to adopt and enforce civil ordinances to regulate animal welfare consistent with the State's criminal animal cruelty laws. Specifically, [24 V.S.A. § 2291\(21\)](#) empowers municipalities, "(t)o regulate, by means of a civil ordinance adopted pursuant to chapter 59 of this title, subject to the limitations of [13 V.S.A. § 351b](#) and the requirement of [13 V.S.A. § 354\(a\)](#), and consistent with the rules adopted by the Secretary of Agriculture, Food and Markets, pursuant to [13 V.S.A. § 352b\(a\)](#), the welfare of animals in the municipality. Such ordinance may be enforced by humane officers as defined in [13 V.S.A. § 351](#), if authorized to do so by the municipality." A municipal ordinance is designated either as a civil or criminal offense and may carry a fine or penalty of up to \$800. A civil ordinance is generally enforced through the issuance of municipal complaints (tickets) which are prosecuted in the Vermont Judicial Bureau, the court that has statewide jurisdiction over civil violations.

Publication Date

01/10/2025

