



Chapter 3 - Animals, Domestic Pets and Wolf Hybrid

ARTICLE I – PURPOSE

It is the purpose of this ordinance to regulate the keeping of dogs and wolf hybrids. To provide for their leashing, muzzling, restraint, impoundment and destruction and to prevent their running at large, so as to protect the public health and safety of the City of Winooski and the quiet enjoyment of its residents' homes and properties under authority of 20 V.S.A. § 3529, 22 V.S.A. §§ 2291 (10), (12), and (15), and 22 V.S.A. Chapter 59.

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Statutory Cross-Reference: 20 V.S.A. § 3321 et seq.



ARTICLE III - GENERAL REGULATIONS

SECTION 3.01 - Definitions

For the purpose of this chapter the following words have the meanings indicated unless their context clearly requires otherwise:

ANIMAL means every species of Kingdom Animalia, excluding human beings.

AT LARGE means off the premises of the owner or keeper and not under the control of the owner, a member of his immediate family or the keeper, either by leash, collar, or chain.

CAT means both male and female of the genus *Felis*.

DOG means both male and female of the genus *Canis*.

DOMESTIC QUADRUPED means animal used by man for labor, transportation or riding, including but not limited to cows, goats, horses, pigs, sheep and rabbits.

HUMANE OFFICER or OFFICER means any law enforcement officer as defined in 23 V.S.A. § 4(11), any humane society officer, employee or agent; any elected animal control officer appointed by the municipality, local board of health officer or agent.

KEEPER means any person other than the owner who has the possession and control of an animal.

KENNEL means an enclosure or structure, other than a building used as a human residence, an animal hospital, or pet shop, used to confine two (2) or more dogs or cats.

OWNER means any person owning, keeping and/or harboring an animal.

POULTRY means domesticated birds used by man as a source of food, either eggs or meat, or for their feathers.



WILD ANIMAL means an animal which is not, by custom in the state, devoted to the service of man, excluding birds, fish, guinea pigs, hamsters, small amphibians, turtles, and earthworms. An exotic wild animal is a wild animal not indigenous to the state.

WOLF-HYBRID means an animal which is the progeny or descendant of a domestic dog (*Canis familiaris*) and a wolf (*Canis lupus* or *Canis rufus*). "Wolf-hybrid" also means an animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its owner, or an animal which exhibits primary physical and behavioral wolf characteristics.

SECTION 3.02 - OWNERSHIP; TERMINATION

A person who is the owner of an animal shall be deemed to continue to be its owner until he/she has sold or donated his right, title and interest in such animal to another person, or, in the case of an indigenous wild animal, until the animal has escaped and has returned to its natural state.

SECTION 3.03 - KEEPER; TERMINATION

A person who is the keeper of an animal shall be deemed to continue to be its keeper until he/she has returned such animal to the custody and control of its owner, and in the case of an indigenous wild animal, until it has been returned to the custody and control of the owner or has escaped and returned to its natural state.

SECTION 3.04 - EXPOSURE TO PUBLIC PROHIBITED IF INFECTED WITH CONTAGIOUS DISEASE

An owner or keeper of an animal infected with a contagious or infectious disease shall not expose such animal in a public place whereby the health of other animals or humans is affected, nor harbor an animal under quarantine, pursuant to section 3.16 of this chapter, in or on any part of any premises open to public visitors.



SECTION 3.05 - RUNNING AT LARGE; REGULATIONS

It shall be unlawful to permit any dogs, domestic quadrupeds, poultry, exotic wild animals or indigenous wild animals to run at large in the city. Any such animal found running at large may be impounded. This section shall not be applicable to any city park, or portion thereof, designated as an “off-leash area” pursuant to Chapter 16, section 16.11 of these Ordinances.

SECTION 3.06 - EXEMPTIONS

- A. The provisions of this chapter shall not apply to a public officer or employee or to a common carrier, while carrying out a duty imposed by law, or while an animal is in transit under control of a common carrier, or while an animal is being transported through the city under control of the person so transporting.
- B. The provisions of this chapter shall not apply to indigenous wild animals, except when such animals are owned by a person.

SECTION 3.07 - INVESTIGATION OF VICIOUS DOMESTIC PETS OR WOLF HYBRIDS; ORDER

- A. When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid 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 the legislative body of the municipality. 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 city council in conducting its investigation required by subsection (b) of this section.
- B. The city council, within seven (7) days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid 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 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, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested.
- D. The procedures provided in this section shall apply if the domestic pet or wolf-hybrid is not a rabies suspect. If the appointed animal control officer determines that the animal is a rabies suspect, the provisions in the rules of the Department of Health shall apply.
- E. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to criminal penalties, and they will be enforced as provided for in Chapter 1, Section 1.11 of the Winooski City Code.

SECTION 3.08 - CONFINEMENT OF ANIMALS IN VEHICLE

- A. A person shall not leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.
- B. Any humane officer or member of a fire and rescue service may use reasonable force to remove any such animal from a motor vehicle. The officer so removing an animal shall deliver the animal to a designated veterinarian or authorized kennel facility for the city. If the owner of the animal cannot be found, the officer shall place a written notice in the vehicle, bearing the name of the officer and the department and address where the animal may be claimed. The owner shall be liable for reasonable expenses, and a lien may be placed on the animal for these expenses. The officer may not be held liable for criminal or civil liability for any damage resulting from actions taken under subsection (A) of this section.



SECTION 3.09 - LICENSE REQUIRED; FEES; INSPECTION BY CODE ENFORCEMENT

- A. No domestic quadrupeds, poultry, bees, exotic wild animals or indigenous wild animals shall be kept within the city, unless the owner or keeper thereof has been granted a license by the city to keep such animals in or on specifically defined premises.
- B. The license fee shall be ten dollars (\$10.00) annually, for a maximum of eight (8) in the case of poultry, ten dollars (\$10) annually for each beehive, and ten dollars (\$10.00) annually for each animal in the case of a domestic quadruped or wild animal.
- C. A license to keep an animal under this section shall not be granted until the city has inspected the premises in or on which the animal is to be kept. The city will determine that such keeping will not constitute a nuisance and will not be detrimental to the health or peace of the inhabitants living nearby. The application shall also be referred to the zoning administrator to determine whether the proposed use is permitted under the zoning ordinances of the city.
- D. It shall be unlawful to keep or harbor an animal required to be licensed under provisions of this section, unless it has been licensed in accordance with such provisions, such license is valid and in effect and, where applicable, the animal has received its anti-rabies serum.

SECTION 3.10 - LICENSE FEE IMPOSED; DOG OR WOLF-HYBRID

- A. State and Local license fees shall apply.
- B. It shall be unlawful for any person other than the owner, his agent or any officer to remove a license tag from a dog.



SECTION 3.11 - PROVISIONAL SURCHARGE

If the license fee for any dog is not paid by April first (1st), its owner or keeper may thereafter procure such license for that license year by paying a fee of fifty (50) percent in excess of that otherwise required.

Statutory Cross-Reference: 20 V.S.A. 3581(a)

SECTION 3.12 - LEASHES AND COLLARS REQUIRED; DOGS RUNNING AT LARGE

A. Each person who keeps a dog contrary to the license provisions of this article shall be guilty of a violation of this code. All unlicensed dogs found within the limits of the city shall be impounded as provided herein.

B. All dogs kept or harbored within the city shall wear a collar or harness which shall have firmly attached thereto the dog's registration tag, name, address of its owner and its current rabies tag.

C. All dogs shall be restrained by leash, chain or other device whenever the dog is off the property of the dog's owner or keeper. No owner shall permit or cause any dog to go at large within the city. Any dog that enters the property of another other than its owner, or roams the streets idly, or causes property damage, or creates a nuisance shall be deemed to be running at large, and its owner shall be held to have permitted such dog to go at large.

1. Each time a dog is found to be in violation of this section shall constitute a separate violation of this ordinance.
2. The provisions of this section may be enforced by any law enforcement officer or any duly appointed animal control or code enforcement officer for the city.
3. Any dog used to assist law enforcement officers in the City of Winooski shall be exempt from the provisions of this ordinance.



SECTION 3.13 - NUISANCES

- A. An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:
1. A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.
 2. A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.
 3. A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 30 minutes or more. This regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the city's zoning regulations. The zoning permit will govern the use of the kennel/boarding facility.

SECTION 3.14 - IMPOUNDMENT

Any dog that is determined by a humane officer to be a potentially vicious dog, which presents an imminent danger to people or other animals, has reportedly bitten a person off or on the premises of its owner, or is in violation of city licensing requirements or 20 V.S.A. § 3806 may be immediately impounded.

SECTION 3.15 - NOTICE OF IMPOUNDMENT; RELEASE

- A. The officer who impounds a dog shall, within twenty-four (24) 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 dog and the steps that are necessary to have it returned to the owner.
- B. If the owner of the dog is unknown, the officer who impounds a dog shall, within twenty-four (24) hours of impoundment, post a public



notice. Notification shall be posted in the city clerk’s office and other usual places for public notice for a ten (10) day period. The public notice shall include a description of the dog, including any significant marks of identification, when and where it was impounded or found by the person placing the dog in the city’s custody, and declare that unless the owner claims the dog and pays all expenses incurred by the city for treatment, boarding and care of the dog, any applicable penalties and takes all necessary remedial action within ten (10) days following posting, the city may place the dog in an adoptive home, transfer it to a humane society or rescue organization. If the dog cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

- C. Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including but not limited to boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license, and verification of certification of current vaccination against rabies.
- D. If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog’s release within ten (10) days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the city of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization, or if the city is unable to transfer the dog it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the city for treatment, boarding and care of the dog for the duration of its impoundment and any expenses associated with its transfer or humane disposal.
- E. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the city manager to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the designated officer shall immediately notify the city



health officer who shall proceed in accordance with the rules of the Vermont Department of Health.

SECTION 3.16 - QUARANTINE

- A. Whenever an animal of a species, subject to rabies, bites a person, the city's animal control officer and health officer shall be notified. If on investigation it is found that the animal did bite a person, the animal shall be quarantined by its owner or keeper for a period of ten (10) days, unless such animal develops active signs of rabies within that time, in which case the animal shall be killed under direction of the health officer or animal control officer. At the end of ten (10) days, the animal shall continue to be quarantined until the animal control officer or health officer has determined that it is free from rabies.
- B. Animals ordered to be quarantined under this section shall be confined in an animal hospital or in a secure enclosure approved by the animal control officer or the health officer as being so constructed and maintained that the animal cannot escape.

SECTION 3.17 - DUTY OF ANIMAL CONTROL OFFICER TO MAKE ARRANGEMENTS

- A. The animal control officer shall make all necessary and appropriate arrangements for the impounding of animals liable to be impounded.
- B. The city shall designate an authorized kennel facility for this purpose.

ARTICLE IV - PENALTIES

Unless otherwise stated, any violation of this chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11 of Winooski City Code.

Statutory Cross-Reference: 24 V.S.A. § 1972a