

TOWN OF MIDDLEBURY  
Town Ordinance Regarding the  
Control of Dogs and Wolf Hybrids

Pursuant to 24 V.S.A. §2291 sections (10),(14) (15); 24 V.S.A. Chapter 59; 20 V.S.A. §3549 and Section 104 (B) of the Middlebury Town charter, the Selectmen of the Town of Middlebury hereby adopt the following Amendments to the Ordinance relating to the regulation and keeping of dogs and providing for their leashing or restraint within the Town of Middlebury.

**Article I – Definitions**

Section 1.

Definitions:

- a. Dog: As used in this ordinance, the term “dog” is inclusive of domestic dogs and wolf-hybrids.
- b. A dog “running at large”: A dog which is not:
  - (1). on a leash, or
  - (2). on or within a vehicle, or
  - (3). on the property of its owner or his agent, or
  - (4). clearly under the verbal or non-verbal control of the owner, or
  - (5). used for law enforcement or search and rescue, or
  - (6). hunting with its owner or his agent.
- c. The pound: That place specifically designated by the Selectmen of the Town of Middlebury from time to time.
- d. Officer: As used in this ordinance, an officer is considered the Dog Warden, Chief of Police, assistant dog warden, or any law enforcement officer.

## **Article II – License Required**

### Section 1.

All dogs must be licensed pursuant to Title 20 V.S.A. 3581 and relevant sections of Title 20 V.S.A. Chapter 193.

## **Article III – Prohibited Acts**

### Section 1.

A dog shall not run at large within the limits of the Town of Middlebury.

### Section 2.

A female dog in heat shall be quarantined within a building or a fenced enclosure, unless the dog is on a leash and under the immediate control of its owner or agent.

### Section 3.

A dog shall not bark excessively, or to otherwise become a public nuisance or to create a disturbance.

### Section 4.

No dog shall harass or attack domestic animals or people unless such animals or people are trespassing on the private property of the owner or the dog.

### Section 5.

The owner of the dog is the person responsible for control of the dog or wolf-hybrid per the provisions of Article II of this ordinance. The owner as registered on the most recent license is prima-facie evidence of the ownership of the dog.

## **Article IV – Impoundment**

### Section 1.

An officer may immediately seize and impound any dog which has harassed or attacked domestic animals or people off the property of its owner or agent. The dog shall remain impounded at town cost pending a hearing by the Board of Selectmen to determine the disposition of the dog per Title 20, Vermont Statutes Annotated, Section 3546.

### Section 2.

An officer may additionally impound a dog, at the owner's cost, as follows:

- a. When the dog is running at large;
- b. When the dog has been left unattended off the owner's real property and is exhibiting signs of abuse, neglect or is otherwise endangered.

### Section 3.

An officer may use all reasonable methods for catching and impounding a dog in violation of this Ordinance, including the use of tranquilizing apparatus.

### Section 4.

The procedure for claiming or releasing a dog from the pound shall be as follows:

- a. Upon delivery to the pound, the impounding officer shall notify the dog's owner, if the dog is licensed. The dog shall be held for seven (7) days after the owner is notified, unless claimed earlier.
- b. If the dog is unlicensed, the dog warden shall make public notice by posting in the Town Clerk's Office and other usual places for public notice pursuant to 20 V.S.A. §3806 of the dog's description, and the dog shall be held for not less than seven ( 7) days after the posting of public notice of the dog's description, unless sooner claimed.

- c. If the owner does not claim the dog within the seven-day period, the dog shall be considered abandoned and remanded to the impoundment contractor for disposition, per the provisions of the contract with the Town.
- d. No dog shall be released from the pound until it is properly licensed, and all pound and other charges paid.

Section 5.

A person claiming the dog from the pound shall pay to the pound keeper reasonable fees to be established by the Board of Selectmen to cover the following:

- a. Compensation to the Town for its reasonable expenses in enforcing the Ordinance. An additional fee will be charged when it becomes necessary to impound a dog after 6:00 p.m. and before 6:00 a.m.
- b. Daily boarding fee.
- c. All fees for licensing and rabies shots.
- d. All other necessary charges and expenses incurred by the pound keeper while the dog is impounded.

**Article V – Unlicensed and Abandoned Dogs**

Section 1.

When an officer determines that an unlicensed dog has bitten a person, the dog shall be impounded and held in quarantine for a period of not less than ten (10) days at the owner's expense. Release of the dog after ten (10) days is contingent on the owner or owner's agent paying the impoundment and licensing fees.

Section 2.

Impounded dogs that have no license or owner identification are presumed to be abandoned and, in the absence of any injury or illness making handling and transport dangerous to the handler, shall be impounded as provided in Article IV of this ordinance.

### Section 3.

- a. Abandoned dogs that have been injured and who cannot be handled safely or may not survive without veterinary care may be destroyed by the officer.
- b. Abandoned dogs, injured or not, that are vicious may be destroyed by the dog warden or any police officer if attempts to impound the dog create an unreasonable risk to the safety of the officer.

## Article VI- Dog Waste

### Section 1

(a) A dog owner must have in his/her possession whenever his/her dog is off owner's premises, some form of bag or waste scooping device to be used for scooping up solid waste excrement deposited by such dog. Any dog owner walking his/her dog off premises without some form of bag or waste scooping device is in violation of this ordinance.

(b) The owner of every dog shall be responsible for the removal and proper disposal of any solid waste excrement deposited by his or her animal(s) on public walks, recreation areas, trails, or public or private property (not owned or possessed by that person). If any excrement is not promptly removed or properly disposed of, then the owner of said dog shall be deemed in violation of this ordinance.

(c) Proper disposal consists of placing the excrement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector, or disposal into a system designated to convey domestic sewage for proper treatment and disposal, or buried more than six inches below the surface of the ground.

## Article VII - General Provisions

### Section 1.

The Middlebury Chief of Police shall be the chief enforcement officer of this Ordinance. The Chief of Police shall appoint the Dog Warden and Pound keeper and such assistant Dog Wardens and Pound keepers as deemed necessary to enforce this Ordinance.

### Section 2.

This Ordinance is incorporated into the Comprehensive Amendments to Ordinance of the Town of Middlebury adopted February 28, 1995, Amended April 9, 1995. As such, this Ordinance is treated as a Civil Ordinance and all penalties and fines are set forth in the Comprehensive

Amendments.

Section 3.

If any part of this Ordinance is held to be invalid, such holding shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect.

Adopted:	May 11, 1971	Effective:	July 15, 1971
Amended:	April 25, 1978	Effective:	June 4, 1978
Amended:	April 20, 1982	Effective:	May 30, 1982
Amended:	August 10, 1999	Effective:	Sept. 19, 1999
Amended:	July 24, 2007	Effective:	September 2, 2007
Amended:	May 25, 2021	Effective:	July 4, 2021