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H.416

Introduced by Representatives O’Sullivan of Burlington, Cina of Burlington,
Hill of Wolcott, Sullivan of Burlington, and Webb of Shelburne

Referred to Committee on

Date:

Subject: Law enforcement; municipalities

Statement of purpose of bill as introduced: This bill proposes to prohibit
municipal government from banning or regulating animals on a breed-specific
basis.

An act relating to prohibiting the banning of specific breeds of dog

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 20 V.S.A. § 3549 is amended to read:

§ 3549. DOMESTIC PETS OR WOLF-HYBRIDS; REGULATION BY
TOWNS

The legislative body of a city or town by ordinance, regulation, or policy
may regulate the licensing, keeping, leashing, muzzling, restraint,
impoundment, and destruction of domestic pets or wolf-hybrids and their
running at large, except that a legislative body of a city or town shall not
prohibit or regulate:

(1) such animals in a manner that is specific as to breed;

1 (2) the barking or running at large of a working farm dog when it is on
2 the property being farmed by the person who registered the working farm dog,
3 pursuant to subsection 3581(a) of this title, in the following circumstances:

4 ~~(1)~~(A) if the working farm dog is barking in order to herd or protect
5 livestock or poultry or to protect crops; or

6 ~~(2)~~(B) if the working farm dog is running at large in order to herd or
7 protect livestock or poultry or to protect crops.

8 Sec. 2. 20 V.S.A. § 3546 is amended to read:

9 § 3546. INVESTIGATION OF VICIOUS DOMESTIC PETS OR
10 WOLF-HYBRIDS; ORDER

11 (a) When a domestic pet or wolf-hybrid has bitten a person while the
12 domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the
13 person bitten requires medical attention for the attack, such person may file a
14 written complaint with the legislative body of the municipality. The complaint
15 shall contain the time, date, and place where the attack occurred, the name and
16 address of the victim or victims, and any other facts that may assist the
17 legislative body in conducting its investigation required by subsection (b) of
18 this section.

19 (b) The legislative body, within seven days from receipt of the complaint,
20 shall investigate the charges and hold a hearing on the matter. If the owner of
21 the domestic pet or wolf-hybrid ~~which~~ that is the subject of the complaint can

1 be ascertained with due diligence, ~~said~~ the owner shall be provided with a
2 written notice of the time, date, and place of hearing and the facts of the
3 complaint.

4 (c) If the domestic pet or wolf-hybrid is found to have bitten the victim
5 without provocation, the municipal officials shall make such order for the
6 protection of persons as the facts and circumstances of the case may require,
7 including, ~~without limitation,~~ that the domestic pet or wolf-hybrid ~~is~~ be
8 disposed of in a humane way, muzzled, chained, or confined. The order shall
9 be sent by certified mail, return receipt requested. A person who, after
10 receiving notice, fails to comply with the terms of the order shall be subject to
11 the penalties provided in section 3550 of this chapter.

12 (d) The procedures provided in this section shall apply if the domestic pet
13 or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a
14 municipal official designated by the legislative body determines that the
15 animal is a rabies suspect, the provisions of subchapter 5 of this chapter and
16 the rules of the ~~department of health~~ Department of Health shall apply.

17 (e) ~~The~~ Provided that no municipal regulation, policy, or ordinance is
18 specific as to breed, the procedures provided in this section shall not apply if
19 the voters of a municipality, at a special or annual meeting duly warned for the
20 purpose, have authorized the legislative body of the municipality to regulate

1 domestic pets or wolf-hybrids by ordinances that are inconsistent with this
2 section, in which case those ordinances shall apply.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on passage.