

## ASK THE LEAGUE

*What is a dog census and what purpose does it serve?*

State law requires all dogs six months of age or older to receive a current preexposure rabies vaccination and to be licensed annually. 20 V.S.A. § 3581. The Vermont Commissioner of Agriculture has adopted a rule providing that no vaccine needs to be administered to a dog or wolf-hybrid if “in the judgment of the veterinarian, the animal’s medical condition would prevent the development of adequate immunity to rabies.” In such instances, the town clerk should issue a license upon receipt of a certificate or a certified copy thereof signed by a duly licensed veterinarian, stating that the dog’s medical condition exempts it from vaccination.

A dog census is a list of unlicensed, inoculated, and licensed dogs and wolf-hybrids owned and kept in a town which is used to control these renegade canines. State law requires that this list be promulgated every year. The process of putting this list together starts with the selectboard which “shall 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.” 20 V.S.A. § 3590(a). Upon receipt, the town clerk must then notify all the owners and keepers of dogs named on the list yet to be licensed or inoculated of the need to do so and that failure to comply may result in the dogs being humanely destroyed. After May 30th, the town clerk must then update this list and return it to the selectboard. This list – or census if you will – is returned to the selectboard because it is

the selectboard that is authorized by State law to issue a warrant at any time to one or more police officers, constables, pound keepers, or elected or appointed animal control officers directing them to impound all unlicensed and inoculated dogs and to enter a complaint against their owners. The form of the selectboard warrant is prescribed by law and can be found in 20 V.S.A. § 3622. This “warrant” is in the form of a selectboard order or command to another municipal official and should not be confused with a “search warrant” issued by a judicial officer authorizing the search and seizure of dogs. If the owner or keeper of a dog is not willing to voluntarily surrender his or her dog, the town should contact its town attorney for assistance in applying to court for a search warrant to seize the animal.

Due to a recent change in the law, these dogs, once impounded, “may be transferred to an animal shelter or rescue organization for the purpose of finding an adoptive home for the dog or wolf-hybrid. If the dog or wolf-hybrid cannot be placed in an adoptive home or transferred to a humane society or rescue organization within ten days, or a greater number of days established by the municipality, the dog or wolf-hybrid may be destroyed in a humane way.” 20 V.S.A. § 3621(a). The selectboard also has the option of waiving the license fee (including the State’s portion) upon a showing of current vaccinations and financial hardship. 20 V.S.A. § 3621(b).

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