

**CITY OF ESSEX JUNCTION
CITY COUNCIL
SPECIAL MEETING AGENDA – Revised 1/30/25**

Online & 145 Maple St.
Essex Junction, VT 05452
Monday, February 3, 2025
6:00 PM

E-mail: admin@essexjunction.org

www.essexjunction.org

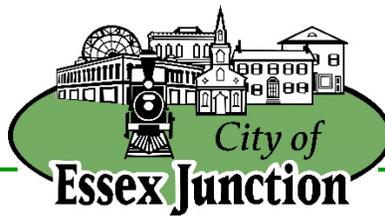
Phone: (802) 878-6944

This meeting will be in-person in the Community Room at the Essex Police Department located at 145 Maple Street and available remotely. Options to watch or join the meeting remotely:

- **JOIN ONLINE:** [Join Zoom Meeting](#)
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 944 6429 7825; Passcode: 635787

1. **CALL TO ORDER** [6:00 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public
5. **PUBLIC HEARING**
 - a. *Potentially Vicious Dog Bite Hearing
6. **BUSINESS ITEMS**
 - a. Re-warn the Land Development Code Amendment Public Hearing from 2/12/25 to 2/26/25
7. **DELIBERATIVE SESSION**
 - a. *A deliberative session may be needed
8. **ADJOURN**

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the President, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the President. Regarding zoom participants, if individuals interrupt, they will be muted; and if they interrupt a second time they will be removed. This agenda is available in alternative formats upon request. Meetings of the City Council, like all programs and activities of the City of Essex Junction, are accessible to people with disabilities. For information on accessibility or this agenda, call the City Manager's office at 802-878-6944 TTY: 7-1-1 or (800) 253-0191.



MEMORANDUM

To: City Council
From: Regina Mahony, City Manager
Meeting Date: January 21, 2025
Subject: Potentially Vicious Dog Hearing

Issue: The issue is for the City Council to investigate the charges of a potentially vicious dog and hold a hearing on the matter, and to determine whether to make an order for the protection of persons.

Discussion:

On January 15, 2025, Lt. Paul Courtois sent a memo to the City Council requesting a Potentially Vicious Dog Hearing involving Isaiah Williams and his dog Kanin, in accordance with Section 507 of the City's Municipal Ordinance Chapter 5:

507 - POTENTIALLY VICIOUS DOGS A. A person claiming a dog is a "potentially vicious dog" may file a written complaint with the legislative body. The complaint shall contain the time, date and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked; the name and address of any victim or victims, and any other facts that may assist the legislative body in conducting its hearing. B. A municipal official upon discovery of a potentially vicious dog may also file a written complaint with the legislative body. C. Upon receipt of a "potentially vicious dog" complaint the legislative body may proceed as in the case of a "vicious dog" complaint, as described in Section 506, with the exception that if the legislative body determines that the behavior classifies the dog as "potentially vicious" the legislative body may order any protective measures be taken absent the dog being humanely destroyed.

Isaiah Williams and his dog Kanin reside at 51 Main St, Unit 1. Lt. Paul Courtois' memo is attached and includes a report of eight documented complaints about Kanin. Four of the eight documented complaints involve dog bites. Further, at least one of the bite incidents meet all the criteria for a vicious dog bite hearing in accordance with 20 VSA 3546 and Section 506.A of the City's Municipal Ordinance Chapter 5: "When a dog has either bitten or inflicted bodily injury to a person while the dog is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack..."

I also received a request on January 14, 2025 from Lhamo Galingkha, who was bitten by a dog at 51 Main Street on January 12, 2025. The request, which includes Lhamo Galingkha's account of the incident, is attached.

Following the hearing, the City Council may deliberate in private and make findings and a decision regarding whether the dog is a vicious dog, potentially vicious dog, or not; and if so, may choose to impose requirements on the dog. Options include, but are not limited to, the following:

- Do nothing
- Do nothing and issue a warning to the dog's owner that stricter measures will be taken for any future incidents
- Require training
- Require a fence
- Ban the dog from public areas in Essex Junction

- Require the dog to be on leash whenever it is outside its home in Essex Junction
- Require the dog to wear a muzzle whenever it is outside its home in Essex Junction
- Require the dog to be on leash and wearing a muzzle whenever it is outside its home in Essex Junction
- Euthanize the dog in a humane way
- Require the dog owner to pay any and all tickets and fines associated with the incident(s)

Cost: N/A

Recommendation:

It is recommended that the City Council hold a hearing and determine whether the dog is a potentially vicious, or vicious dog, and if so, order the protection of persons as the facts and circumstances of the incidents may require.

Attachments:

Lt. Paul Courtois' memo and police report

Lhamo Galingkha email

City of Essex Junction Municipal Code Chapter 5 Regulation of Dogs

Rules of Procedure for Vicious and Potentially Vicious Dog Hearings

VT State Statute 20 VSA 3546

DEPARTMENTAL MEMORANDUM



Date: January 15, 2025

To: City of Essex Junction, City Council

CC. Regina Mahony, City Manager
Chief Ron Hoague, Chief of Police

From: Lt. Paul Courtois Executive Officer

Re: Potentially Vicious Dog Hearing

Action(s)

Request to be put on the agenda for a potentially vicious dog hearing involving Isaiah Williams and his dog Kanin. Kanin has four reported bites with the Essex Police Department, the first occurred on August 22, 2024, the second occurred on October 27, 2024, the third on December 8, 2024, and fourth bite on January 12, 2025. It should also be noted that Kanin is not registered with the City of Essex nor has rabies shots been done since August 02, 2023. Isaiah Williams was instructed to get the dog vaccinated and registered with the City of Essex but has failed to do either one as of January 15, 2025.



ESSEX POLICE DEPARTMENT
SUPPLEMENTAL AFFIDAVIT

STATE OF VERMONT
COUNTY OF CHITTENDEN S.S.

Now comes **Officer Tyler Depasquale**, Affiant being duly sworn, and on oath deposes and says:

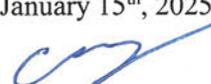
The following affidavit contains all documented cases involving 51 Main Street unit 1 in the city of Essex Junction, Vermont. The Essex Police Department has received eight documented complaints about a singular dog that resides inside the residence of 51 Main Street unit 1. Throughout these eight complaints, the dog's owner has been found to be Isaiah Williams. The dog of interest has been identified by the following demographics:

- A.) **Name** - Kanin
- B.) **Breed** - Cane Corso
- C.) **Age** - About 2 years old
- D.) **Vet** - Community Pet Clinic, Burlington
- E.) **Rabies Vaccine** - Expired, last shot was given on 08/02/23. Was due on 08/02/24
- F.) **License** - N/A
- G.) **Registration Status** - Not registered

1. The following will now explain all cases involving the Essex Police Department and the various dog complaints received from 51 Main Street Unit 1 in the City of Essex Junction, in the County of Chittenden in the State of Vermont.
2. **24ES006562- Complainant- Nedim Tuco. Person of Interest** Isaiah Williams Call Type- **Animal Problem. Responsible Officer:** Animal Control Officer Elle Lenzini

Details: On 8/22/2024 1401 hours Animal control officer (ACO) Elle Lenzini, spoke with Nedim Tuco residing at 52 Main St. regarding his concern about his neighbor's "rottweiler dog" being off leash. Nedim added that the dog had chased him. The ACO told him she would attempt to make contact with owners. Further into the investigation, ACO Lenzini at 1415 hours, made contact and spoke with Jenna Aviles Jenna said she did not know of any rottweiler-like dogs in the complex but informed me of a brown and black dog named "Kanin" residing at the 51 Main St. unit 1.

Subscribed and sworn to before me
On January 15th, 2025, at Essex.



(Notary Public)



(Affiant)

1/15/2025

(Date)



**ESSEX POLICE DEPARTMENT
SUPPLEMENTAL AFFIDAVIT**

STATE OF VERMONT
COUNTY OF CHITTENDEN S.S.

3. **24ES006567- Victim-** Hope M Forguites **Person of Interest-** Taina J Flores and
Isaiah N Williams **Call Type:** Animal- Bite. **Responsible Officer:** Cpl. Wehman

Details: On 08/22/24 at 1656 hours, Ian Edgar contacted the Essex Police Department to make a report about his neighbor's (51 Main Street) aggressive dog. The dog's owner was later identified as Isaiah Williams.

Shortly after the initial call to 53 Main Street, the Essex Police Department received a call stating Hope Forguites was the female who had been bitten. The Essex Police Department was advised that Forguites was on her way to work, McGillicuddy's, and did not stay because she did not want to be late for work.

Forguites said she was walking on the sidewalk near 51 Main Street. She saw the dog running towards her without a leash. The dog then ran up to her biting her twice on the arm, and once on the leg. The bite on the leg broke skin causing an injury. Forguites left work and was brought to the UVM Medical Center by a family member for further evaluation. All parties were informed of the 10-quarantine process to which Williams signed off on.

- A. The following is a photo of the injury Forguites received from the dog, the picture is a bite mark to the rear left leg in the upper thigh area:



Photo taken by Hope Forguites

Subscribed and sworn to before me
On January 15th, 2025, at Essex.



(Notary Public)



(Affiant)

1/15/2025

(Date)



**ESSEX POLICE DEPARTMENT
SUPPLEMENTAL AFFIDAVIT**

STATE OF VERMONT
COUNTY OF CHITTENDEN S.S.

**4. 24ES007705- Complainant- Andrew Laplant Person of Interest- Isaiah Willaims
Call Type- Animal Problem. Responsible Officer: Cpl. Beaulieu**

Details: On 09/29/24 at approximately 1809 hours, Cpl. Beaulieu spoke with Andrew Laplant over the phone about an animal problem. Laplant stated he was walking his leashed dog on the sidewalk along Main St. He said when he got in front of 51 Main St, a large, unleashed dog, maybe 80/90 lbs, charged at him and his dog. Laplant stated he yelled at the dog to stop and pulled his dog backwards into the street. He said the dog stopped and allowed him to cross the road, but no one ever came out to get the dog. Laplant stated someone on their front porch informed him that was the second time he has seen that dog charge at someone.

Cpl. Beaulieu says, later in the evening on 10/1/2024 Ofc Whalley and he met with Isaiah Williams at 51 Main St for an unrelated case. While present, he asked Williams if he owned a dog to which he advised he did. Cpl. Beaulieu asked if it was about 80/90 lbs to which Williams said it was probably heavier. Cpl. Beaulieu informed Williams of the complaint EPD received a few days ago and he said he always takes his dog out on leash. Cpl. Beaulieu asked that he continue doing that and make sure his family members do the same.

**24ES008439- Victim-Ofc. Brian Whalley, Owner Isaiah N Willaims Call Type- Animal- Bite.
Responsible Officers: Sgt. Chistolini and Ofc. Whalley**

Details: On October 27, 2024, at approximately 1942, Sgt. Chistolini responded to 51 Main Street to assist Ofc. Whalley with a family disturbance. Taina Flores called to report Isaiah was destroying items inside the residence. Ofc. Whalley arrived on scene and advised there is an aggressive dog inside the residence.

Sgt. Chistolini went inside the found Ofc. Whalley inside the first room attempting to get to Isaiah and Taina who were still yelling at each other. Ofc. Whalley reported to me the dog had already lunged at him once. Ofc. Whalley stayed inside the room and tried to get Isaiah and Taina to stop yelling but then the dog ran up to Ofc. Whalley, bit him in the shin, and then ran off. The dog later returned and Ofc. Whalley deployed his OC towards the dog to prevent a further attack.

In his report, Ofc. Whalley states that while Flores and Williams were fighting, he and Sgt. Chistolini yelled multiple times to put the dog away but the two ignored their commands and continued arguing.

Subscribed and sworn to before me
On January 15th, 2025, at Essex.



(Notary Public)



(Affiant)

1/15/2025

(Date)



**ESSEX POLICE DEPARTMENT
SUPPLEMENTAL AFFIDAVIT**

STATE OF VERMONT
COUNTY OF CHITTENDEN S.S.

- a. The following is a photo Ofc. Whalley's right shin and the injury he sustained:



Photo take by Sgt. Chistolini

5. **24ES009428**- **Victim-** Cherise F Meiler **Owner-** Isaiah Williams. Call **Type-**
Animal- Bite. **Responsible Officer:** Officer Gamelin

Details: On December 8th, 2024, at 0735hrs, dispatch advised they had received a dog bite form from the University of Vermont Medical Center. Ofc.Gamelin was given this case.

The victim was Cherise Meiler and the bite happened at 51 Main Street, in the City of Essex Junction. It should be noted that the dog owner was listed as Jeramie Shadle but it is known that Isaiah Williams resides at 51 Main Street and owns an aggressive dog that has bitten officers before.

On December 9th, 2024, Ofc. Gamelin spoke with Cherise over the phone. Cherise confirmed the dog was Isaiah's and described the dog as extremely violent over the phone. Cherise said the dog bit her in the leg and when she fell on the floor she was threatened by Isaiah. Cherise claimed Isaiah would have the dog attack her again. Ofc. Gamelin requested photos and a sworn statement from Cherise but never received a response back from her.

Subscribed and sworn to before me
On January 15th, 2025, at Essex.



(Notary Public)



(Affiant)

1/15/2025

(Date)



**ESSEX POLICE DEPARTMENT
SUPPLEMENTAL AFFIDAVIT**

STATE OF VERMONT
COUNTY OF CHITTENDEN S.S.

6. **25ES000113- Complainant-** Mariia Mottlau **Owner-** Isaiah Williams Call Type- **Animal- Problem.** **Responsible Officer:** Officer. DePasquale

Details: On January 4th, 2025, at approximately 1541 hours, I responded to the area of 53 Main Street for the report of an aggressive dog that was cornering a tenant that resides at 53 Main Street in the City of Essex Junction. Upon arrival to the scene, I was able to locate the women who called. The woman was identified by NY driver's license Mariia Mottlau. When asked to describe the incident Mottlau said she was approached by what she described as a darkish colored "pit-bull" when she was taking out her trash. She reported the dog cornered her and as she attempted to move in another direction the dog would growl and showed its teeth.

The event caused the women to call 911 and she began to yell for help. After a few minutes, the women reported the dog was called back to the residence of 51 Main Street. The owners/tenants of the residence offered no apology towards Mottlau. Mottlau informed me that all of the tenants that reside at 53 Main Street are scared about the dog because its never on lease.

On January 4th, 2025, I issued Isaiah Willaims two municipal tickets for violating city ordinance 501- Dog at Large/unleashed and ordinance code 510- Dog Licensed required.

7. **25ES000319- Victim-** Lhamo T Galingkha, **Owner-** Isaiah Williams Call Type- **Animal Bite.** **Responsible Officer:** Ofc. Depasquale

Details: On January 12th, 2025, at approximately 1100 hours, Essex PD along with Essex rescue responded to the residence of 51 Main Street in the City of Essex Junction for the report of a dog bite that occurred inside the residence of 51 Main Street. Vermont 911 was on the phone with a male who advised his wife was bitten in leg by a dog that is inside the residence. According to Essex PD records, 51 Main Street unit 1 is the residence of Isaiah Williams and Taina J Flores

Subscribed and sworn to before me
On January 15th, 2025, at Essex.



(Notary Public)



(Affiant)
1/15/2025

(Date)



**ESSEX POLICE DEPARTMENT
SUPPLEMENTAL AFFIDAVIT**

STATE OF VERMONT
COUNTY OF CHITTENDEN S.S.

Essex rescue made contact with the female victim and determined that transportation was not needed for the type of injury. Rescue advised a mark was visible on the women's leg, but it would not require transportation to the hospital.

After rescue cleared, I was able to speak with the female who was identified by Vermont driver's license as Lhamo T Galingkha. When asked what occurred, Lhamo advised that her and her husband were present on the property to replace the smoke detectors in all three of the units. Lhamo advised while present in unit 1 she was unaware of the dog's behavior/tendencies. Lhamo advised while replacing a smoke detector she was approached by the dog from behind. The dog bit her left leg from behind which prompted her to scream. Her scream caused the dog to run away and her husband quickly responded to her aid and called 911. Lhamo later in the day went to Fanny Allen Urgent Care where she received a Tetanus shot and medical dressing for the wound.

A. The following is a photograph of Lhamo's leg left and the injury she sustained:



Photo taken by: Ofc DePasquale

Subscribed and sworn to before me
On January 15th, 2025, at Essex.



(Notary Public)



(Affiant)

1/15/2025

(Date)



**ESSEX POLICE DEPARTMENT
SUPPLEMENTAL AFFIDAVIT**

STATE OF VERMONT
COUNTY OF CHITTENDEN S.S.

8. After further investigation, it has been found that black and brown dog described in these incidents has been identified as 2yr Cane Corso with a name of Kanin and an owner has been identified as Isaiah Williams.
9. Kanin has been involved in four unprovoked attacks since August 2024 where the parties, civilians/citizens of Essex, have sustained injuries. I respectfully request a vicious dog hearing be held as described in City of Essex Junction, Municipal Code, Chapter 5- Regulation of Dogs, Section 507(B) Potentially Vicious Dogs.

Subscribed and sworn to before me
On January 15th, 2025, at Essex.

(Notary Public)

(Affiant)

1/15/2025

(Date)

Paul Courtois

From: Lhamo T. Galingkha [REDACTED]
Sent: Tuesday, January 14, 2025 12:49 PM
To: Regina Mahony
Subject: Dog bite at 51 Main St., Essex Junction

[EXTERNAL]

CAUTION: This email originated from OUTSIDE our organization. STOP & CONSIDER before responding, clicking on links, or opening attachments.

Dear Regina,

My name is Lhamo Galingkha, I was at 51Main St., Essex Junction on January 12th morning helping my boyfriend do inspection on Co2 and smoke detectors. Tenants in the building had been notified on January 8th about this visit and everyone is aware of it. We were let in by a man and we did our inspection on main floor first and then headed to the second level. When we entered the apartment dog was no where to be seen. We were going to start from the far left bedroom on second floor, my boyfriend was getting up the ladder and I was standing in the doorway of that room facing him if he needed something, one of the person from the apartment came out of the bedroom next to where we were. I was standing looking at the direction of my boyfriend but I think they had left the dog outside without supervision, it did not bark but came from behind and bit me on my left lower leg. I said 'oh my god I got bitten' and was shaking tremendously out of fear, my boyfriend call out loud saying did you hear she got bit but that person came out of bathroom, did not say anything and went downstairs. We called cop for the safety and to get help. I was advised to go to the urgent care for evaluation and received tetanus shot that afternoon.

My boyfriend and we sent email to the tenant on Sunday and Monday asking for dogs vaccination status, they have not responded to us at all. I was communicating with town health officer about this as well. I also contacted my doctor yesterday and I was sent to urgent care to get rabies shot. I have received my first dose of rabies shot yesterday at urgent care and have appointment to get the other three series at UVMMC.

My request to all the officers and authorities in the city to please take a serious action on this as it is very dangerous to all the people. This dog is vicious and owner doesn't care about it. Thank you for reading my email. Please call me if you have any questions at [REDACTED] or email me.

Sincerely,
Lhamo

Sent from my iPhone

**CITY OF ESSEX JUNCTION
MUNICIPAL CODE
CHAPTER 5
REGULATION OF DOGS**

This ordinance is enacted pursuant to 24 V.S.A. §§ 1971; 2291(10), and 20 V.S.A. § 3549. It shall constitute a civil ordinance within the meaning of 24 V.S.A., Chapter 59.

502 - PURPOSE

The purpose of this ordinance is to regulate the licensing, keeping, leashing, muzzling, restraint, impoundment and destruction of dogs and wolf-hybrids and their running at large in order to protect the public health and safety of the City and preserve the quiet enjoyment of its residents' homes and properties.

503 - DEFINITIONS

Used in this chapter, unless the context indicates otherwise:

- A. **Dog**: shall mean an animal of the canine species (*Canis familiaris*), and for the purposes of this ordinance shall include any wolf-hybrid as defined in 20 V.S.A. § 3541(8).
- B. **At large**: means off the premises of the owner except for those areas as defined in subsection B of 510, and not under the control of the owner, a member of their immediate family, or an agent of the owner, by leash, cord or chain so that at all times the dog may be prevented from causing any damage, disturbance, nuisance or annoyance.
- C. **Municipal official**: shall mean Animal Control Officer of the Essex Police Department or any police officer; deputy sheriff; or any person designated by the City of Essex Junction for the control of dogs.
- D. **Owner**: means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
- E. **Premises**: means the home and/or real property of the dog owner.
- F. **Potentially Vicious Dog**: shall mean a dog running at large that inflicts minor injuries on a person not necessitating medical attention; chases in a menacing manner, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. A dog shall not be deemed a "potentially vicious dog" 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.

- G. **Vicious Dog:** shall mean a dog, which causes or has previously caused bodily injury which has necessitated medical attention by attacking, biting or endangering the safety of a person or other domestic animal on any public or private property, unless the person is trespassing on the property of another animal, 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.

504 - LICENSE REQUIREMENTS

- A. Dogs must be registered and licensed annually with the City Clerk's Office, pursuant to 20 V.S.A. § 3581.
- B. All dog owners shall obtain and be required to demonstrate proof of current rabies vaccinations, a certificate or a certified copy thereof signed by a duly licensed veterinarian as a requirement of the annual license application.
- C. All dogs must wear a collar or harness with current license attached. Any dogs visiting from another town, city or state must wear a collar or harness with current license of said jurisdiction. A dog that is found to be without a collar or harness and license shall be in violation of this ordinance.

505 - FALSIFYING DOCUMENTS

- A. No owner shall knowingly present false documentation to the City Clerk's Office with the purpose of misleading either the breed of the dog or proof of rabies vaccination certificates.

506 - INVESTIGATION OF VICIOUS DOGS

- A. When a dog has either bitten or inflicted bodily injury to a person while the dog 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 for the City of Essex Junction. 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 legislative body in conducting its investigation required by subsection (B) of this section.
- B. The legislative body, within seven (7) days from receipt of the complaint, may request the police department to investigate the charges and hold a hearing on the matter. If the owner of the dog that 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 dog is found to have bitten or inflicted bodily injury on the victim without provocation, the legislative body for the City of Essex Junction shall make such order for

the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the vicious dog may be disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

- D. The procedures provided in this section shall apply if the dog is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of 20 V.S.A. Chapter 193, Subchapter 5, and the rules of the department of health shall apply, and the terms and conditions set forth in the legislative body's order shall be enforced.

*Cross reference. General Provisions,
See 20 V.S.A. § 3546; Penalties,
See 20 V.S.A. § 2550; Control of Rabies,
See 20 V.S.A. § 3801-3813.*

507 - POTENTIALLY VICIOUS DOGS

- A. A person claiming a dog is a “potentially vicious dog” may file a written complaint with the legislative body. The complaint shall contain the time, date and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked; the name and address of any victim or victims, and any other facts that may assist the legislative body in conducting its hearing.
- B. A municipal official upon discovery of a potentially vicious dog may also file a written complaint with the legislative body.
- C. Upon receipt of a “potentially vicious dog” complaint the legislative body may proceed as in the case of a “vicious dog” complaint, as described in Section 506, with the exception that if the legislative body determines that the behavior classifies the dog as “potentially vicious” the legislative body may order any protective measures be taken absent the dog being humanely destroyed.

508 - DOG BITES

- A. No person shall permit or cause any dog to cause bodily injury to a person or other domestic animal.

509 - DISTURBANCE BY SOUND

- A. No person shall keep or harbor a dog that disturbs the quiet, comfort and repose of others by frequent or long continued barking, whining, calling, or howling that disturbs the comfort or repose of persons in the vicinity for a continuous period of 15 minutes or more. “This regulation shall not apply to dogs in a kennel or boarding facility which has

received a zoning permit under the City of Essex Junction- Land Development Code. The zoning permit will govern the use of the kennel or boarding facility.”

510 - RUNNING AT LARGE

- A. No owner shall permit or cause any dog to go at large off the premises on any public or private property within the City of Essex Junction. Dogs shall be restrained by leash, cord or chain. All dogs using a city sidewalk, recreational or bicycle path, and parking areas must be leashed on a leash that is no longer than six (6) feet. This Ordinance shall not apply to the barking or running at large of a working farm dog when it is on the property being farmed by the person who registered the working farm dog, pursuant to subsection 3581(a) of 20 V.S.A., in the following circumstances:
 - a. if the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or
 - b. if the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.
- B. Exemptions - Dogs shall be under control of the owner, but may be unrestrained by leash, cord or chain:
 - a. In the dog park located at 111 West Street, according to the regulations for use of the park.

511 - DOG WASTE

- A. 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 is in violation of this ordinance.

512 - IMPOUNDING—CONTRACTING FOR SERVICES

- A. The legislative body may enter into a contract or contracts with persons or firms for impoundment services and enforcement of this chapter.

513 - IMPOUNDING—AUTHORIZED WHEN—NOTICE TO OWNER

- A. Any dog may be immediately impounded if the dog:
 - a. Has been determined by a municipal official to be a “potentially vicious dog” which presents an imminent danger to people or other animals.
 - b. Has reportedly bitten a person off or on the premises of the owner.
 - c. Is in violation of state licensing law.
 - d. Has an unknown rabies vaccination history or is suspected of having been exposed to rabies.
 - e. Is running at large.
 - f. Is found without a collar or a harness.

- B. A municipal official who impounds a dog shall, within twenty-four hours, give notice to the owner thereof either personally, by telephone, email or by regular mail postage to the owner's last known address. Such notice shall inform the owner of the violations, the dog's location, and the necessary steps to have it returned to the owner.

514 - IMPOUNDMENT—RELEASE CONDITIONS

- A. 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, as determined by the enforcement officer and or legislative body in consideration of the violation committed, is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license; verification of certification of current vaccination against rabies; payment of all applicable fines or waiver fees; and proof of satisfactory successful completion of a program designed to improve the owner's understanding and execution of dog ownership responsibilities.
- B. 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) calendar days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the municipality 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.
- C. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the legislative body to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the municipal official shall immediately notify the City Health Officer who shall proceed in accordance with the Vermont Department of Health's rules.

515 - UNCLAIMED DOGS—OWNER RESPONSIBLE FOR COSTS

- A. Any owner, if known, who elects not to redeem their dog and does not pay the boarding fees and impoundment fees within thirty (30) days of initial impoundment, may be assessed all of such fees and charges in a civil action brought under this chapter.

516 - INTERFERENCE WITH IMPOUNDMENT PROHIBITED

- A. Any person who interferes with the impounding of a dog under provision of this chapter, or releases or who attempts to release an impounded dog contrary to this chapter, shall be

punished by fees not to exceed eight hundred dollars (\$800.00) in an action brought under this chapter.

517 - CONFINEMENT OF ANIMALS

- A. An owner 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 municipal official may use reasonable force to remove any such animal from a motor vehicle. The municipal official removing an animal shall deliver the animal to a humane society, veterinarian or municipal pound. If the owner of the animal cannot be found, the municipal official 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 this section.

*Cross reference. Humane and Proper Treatment of Animals,
See 13 V.S.A. § 386.*

518 - ENFORCEMENT

- A. This is a civil ordinance and shall be enforced in accordance with 24 V.S.A. § 1974a et seq.

519 - VIOLATIONS – PENALTIES

- A. Any person in violation of any provisions of this chapter shall be fined a civil penalty of up to \$800 dollars per violation and may be subject to enforcement pursuant to Chapter 9 Section 905 and 24 V.S.A. §1974a(d).

520 - SEVERABILITY

- A. If any portion of this ordinance and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended this ordinance shall be deemed to refer to such statute as amended.

521 - APPEAL RIGHTS

- A. A respondent aggrieved by a decision made following a hearing before the legislative body or hearing officer may appeal within 30 days of receipt of the decision to the Civil Division of the Superior Court, which shall consider the matter de novo.

Approved by City Council on 3/8/2023

RULES OF PROCEDURE FOR VICIOUS AND POTENTIALLY VICIOUS DOG HEARINGS

APPLICATION. The following rules shall apply when the City of Essex Junction City Council conducts a hearing pursuant to Chapter 5 of the City of Essex Junction Municipal Code and/or Title 20 Vermont Statutes Annotated Chapter 193. A copy of these rules shall be provided to the complainant/victim, the dog/domestic pet owner/keeper, anyone offering evidence in the proceeding, and any member of the public upon request.

PROCEDURE. The City of Essex Junction City Council shall hold vicious and potentially vicious dog hearings at a special meeting separate from a regular business meeting if time allows.

The City of Essex Junction City Council Chair or Essex Police Officer, or in the Chair's absence, the Vice-Chair will preside over all hearings held pursuant to Chapter 5. If both the Chair/Essex Police Officer and the Vice-Chair are absent, a member will be selected to Chair the hearing by a quorum of the City Council prior to the start of the hearing. The Chair may make motions and vote on all questions before the City Council. The Chair/Essex Police Officer rules on all questions of order and procedure.

The Chair and/or the City Council may exclude any irrelevant, unreliable, or unnecessarily repetitive evidence. Relevant evidence is any verbal testimony or document that tends to demonstrate the innocence or guilt of the dog and/or owner/keeper subject to complaint. Reliable evidence is any relevant evidence commonly relied upon by reasonably prudent people in the conduct of their affairs.

While 20 VSA 3546 does not specify the standard of proof for these cases, the Council will use preponderance of the evidence as the standard of proof as this is the civil standard. Preponderance of the evidence requires the Council to return a judgment in favor of the complainant/victim if the complainant/victim is able to show that a particular fact or event was more likely than not to have occurred.

The complainant/victim, the dog owner/keeper, and all people offering written evidence shall submit three copies of any documentary evidence to the City Council via the Manager's office. The Manager's office will mark all documents submitted with appropriate identifying information.

The City Council will conduct any hearing pursuant to Chapter 5 of the City of Essex Junction Municipal Code in the following sequence:

1. Open the hearing by reading the warning/notice of the hearing.
2. Read the complaint received and remind all present that the hearing is (1) being commenced and conducted pursuant to Chapter 5 of the City of Essex Junction Municipal Code, (2) will be conducted in an orderly manner pursuant to these rules of procedure, and (3) that all statements must be directed to the Chair.
3. Direct the complainant/victim, the dog owner/keeper (if available), and all others providing evidence thereafter to step forward and take the following oath:
"Under the pains and penalties of perjury, do you solemnly swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth?"
4. Ask the complainant/victim if they have received a copy of these rules of procedure and whether they have any questions about how the hearing will proceed.
5. Request disclosure of any potential conflicts of interest and/or ex parte communications.

6. Accept written information from the complainant/victim presented to the City Council.
7. Invite the complainant/victim to present oral testimony to the City Council.
8. Invite the City Council members to ask questions of the complainant/victim.
9. Invite the dog owner/keeper to respond to evidence presented; followed by any written information/oral testimony they would like to present.
10. Invite City Council members to ask questions of the dog owner/keeper.
11. Invite anyone else to submit any relevant evidence/testimony regarding the complaint.
12. Invite more questions or comments from members of the City Council.
13. Allow final comments or questions from the complainant, dog owner/keeper, or members of the City Council.
14. Upon motion and majority approval, the Chair shall either: adjourn (recess and continue) the hearing to a time and date certain (e.g. to obtain additional evidence); or close the proceedings by stating that the evidence is closed and the City Council will enter into deliberative session and issue its written decision to the dog owner/keeper and complainant/victim.

DELIBERATIONS The City Council will then conduct deliberations in private. Following deliberations, the decision of the City Council will set forth in writing its findings of facts and conclusion of law, and orders, which will be sent to the complainant/victim and dog owner/keeper within 30 days.

These rules may be amended by a majority vote of the members of the City Council.

Adopted by the City of Essex Junction City Council at its meeting held 3/8/2023.

Signed,

Andrew Brown
Andrew Brown (Mar 9, 2023 19:25 EST)

Andrew Brown

Amber L. Thibeault
Amber L. Thibeault (Mar 11, 2023 19:11 EST)

Amber Thibeault

George Tyler
George Tyler (Mar 11, 2023 12:18 EST)

George Tyler

Raj Chawla
Raj Chawla (Mar 9, 2023 19:33 EST)

Raj Chawla

Daniel Kerin
Daniel Kerin (Mar 10, 2023 12:10 EST)

Dan Kerin

The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 20 : Internal Security and Public Safety

Chapter 193 : Domestic Pet or Wolf-Hybrid Control

Subchapter 001 : GENERAL PROVISIONS

(Cite as: **20 V.S.A. § 3546**)

§ 3546. Investigation of vicious domestic pets or wolf-hybrids; order

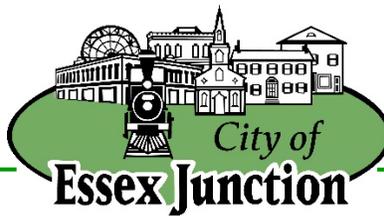
(a) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, the person may file a written complaint with the legislative body of the municipality. The complaint 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 legislative body in conducting its investigation required by subsection (b) of this section.

(b) The legislative body, within seven 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 that is the subject of the complaint can be ascertained with due diligence, the 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 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. 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.

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

(e) The procedures provided in this section shall not apply if the voters of a municipality, at a special or annual meeting duly warned for the purpose, have authorized the legislative body of the municipality to regulate domestic pets or wolf-hybrids by ordinances that are inconsistent with this section, in which case those ordinances shall apply. (Amended 1977, No. 215 (Adj. Sess.), § 2, eff. April 12, 1978; 1993, No. 213 (Adj. Sess.), § 4, eff. June 15, 1994; 2007, No. 121 (Adj. Sess.), § 15; 2021, No. 20, § 197.)



MEMORANDUM

To: City Council

From: Christopher Yuen, Community Development Director

Meeting Date: February 3, 2025

Subject: Land Development Code (LDC) Amendments Public Hearing Change of Date

Issue: The Land Development Code Amendments Public Hearing needs to be re-scheduled to meet public notice requirements.

Discussion:

On January 22, 2025 the City Council warned a public hearing for the Land Development Code amendments for February 12, 2025. Due to my misunderstanding of the Burlington Free Press' legal notice submission schedule requirements, I was unable to submit the notice in time to meet the 15-day notice requirement set in statute. Consequently, the hearing needs to be re-scheduled.

The next available City Council meeting to hold the public hearing on the LDC amendments is February 26, 2025.

The proposed LDC text in pdf format is available at <https://www.essexjunction.org/boards/planning-commission>, under the subsection titled "Proposed Land Development Code Amendments as of January 22, 2025".

Cost:

There are no costs associated with the proposed zoning bylaw amendments.

Recommendation:

It is recommended that the City Council re-warn a public hearing for the LDC amendments for February 26, 2025.

Recommended Motion:

- I move that the City Council re-warn the public hearing for the Land Development Code Amendments as discussed on January 22, 2025, from February 12, 2025 to February 26, 2025, so that proper notice requirements can be met.