



Monday, January 13, 2025, 11:00 AM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

When: Jan 13, 2025 11:00 AM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

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1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Draft Minutes

Subject

2.1. Adopt Draft Minutes from 12/19/24

Meeting

January 13, 2025 - Ordinance Committee Meeting - Monday, January 13, 2025, 11:00 AM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category

2. Adopt Draft Minutes

Department

Council and Board

Type

Recommended Action

3. Public Forum

Subject	3.1. Verbal Comments
Meeting	January 13, 2025 - Ordinance Committee Meeting - Monday, January 13, 2025, 11:00 AM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	3. Public Forum
Department	Council and Board

Type

4. Vacant Buildings Ordinance

Subject	4.1. Vacant Buildings Ordinance
Meeting	January 13, 2025 - Ordinance Committee Meeting - Monday, January 13, 2025, 11:00 AM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	4. Vacant Buildings Ordinance
Department	Council and Board

Type

Recommended Action

5. Animal Ordinance Discussion

Subject	5.1. Animal Ordinance Discussion
Meeting	January 13, 2025 - Ordinance Committee Meeting - Monday, January 13, 2025, 11:00 AM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	5. Animal Ordinance Discussion
Department	Council and Board

Type

Recommended Action

6. Any Other Committee Business

Subject	6.1. Any Other Committee Business
Meeting	January 13, 2025 - Ordinance Committee Meeting - Monday, January 13, 2025, 11:00 AM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	6. Any Other Committee Business
Department	Council and Board

Type

7. Adjournment

Subject	7.1. Motion to adjourn
Meeting	January 13, 2025 - Ordinance Committee Meeting - Monday, January 13, 2025, 11:00 AM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	7. Adjournment
Department	Council and Board
Type	
Recommended Action	

Ordinance Committee
Thursday, December 19, 2024
Bushor Conference Room
City Hall or Remote via Zoom. Burlington, Vermont
DRAFT MINUTES

Members Present: Councilor Shannon (Chair), Councilor Bergman, Councilor Brown McKnight

Staff Present: Kim Sturtevant (Assistant City Attorney), Sarah Montgomery (Assistant City Clerk), Cassandra Sterling (BPD CSO Manager)

Public Present: Lori Kettler, Dana Dean, Todd Deluca, Stacey O

Meeting called to order at 10:06 AM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt the Draft Agenda.

Motion by Councilor Bergman, Seconded by Councilor Shannon.

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes

2.1 Adopt Draft Minutes from November 19.

Motion to adopt the draft minutes from November 19.

Motion by Councilor Bergman, Seconded by Councilor Shannon.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Forum

Dana Dean: I am the legislative liaison for multiple dog clubs in Vermont. I would like the term “keeper” to be used in the ordinance instead of the word “custodian” when referring to pet dogs.

4. Dog Task Force Report Review

Councilor Shannon noted that yearly dog licenses and thus yearly revenue have gone down each year. She asked if there was any enforcement or fines being handed out for people not licensing their dogs.

Councilor Bergman said Jodi Harvey was the most recent dedicated animal control officer and things may have changed when she retired.

Cassandra Sterling (BPD CSO Manager) said that BPD encourages and educates people about getting their dogs licensed and having proper vaccinations but does not currently do enforcement against people that don't license their dogs.

Sarah Montgomery (Assistant City Clerk) said that the Clerk's Office sends out reminders each year to people who registered a dog previously informing them they must do so again. She added that a list of licensed dogs was published to the City Council previously and the Clerk's Office could do so again.

Councilor Brown McKnight asked what kind of communications are sent to people that haven't licensed their dogs yet since it does not seem to be publicized.

Councilor Shannon asked if BPD could check to see the number of fines handed out for the non-licensure of dogs from 2013 or so onwards to get a sense of the trend.

Cassandra Sterling said that BPD does not currently have access to the dog licensing data. Sarah Montgomery said that the Clerk's Office changed databases in 2022, but will give BPD access to the current data.

Councilor Bergman said that the ordinance should also have a provision that if you receive a fine for non-licensure that there is a path to waive the fine if the dog is properly licensed in a set amount of time.

Cassandra Sterling said the CSOs could start issuing tickets for non-licensure as they already have that authority. They also already have the authority to void tickets if the person licenses their dog in a timely period.

Councilor Shannon asked staff to look into what should be done if a dog is not licensed but the owner is not a Burlington resident.

Councilor Bergman said he is unsure if a ticket should be voided completely if the owner licenses the dog because of the work that goes into writing and then voiding the ticket. He said there circumstances when a full waiver might be good, such as if someone just moved to town or just got the dog.

Attorney Sturtevant shared the updated draft of the ordinance. This draft is available in the agenda packet.

Councilor Shannon asked Cassandra Sterling to ask the Humane Society if the language regarding unredeemed animals is sufficient.

Councilor Bergman said that Section 5-4 (a)(2) needs further clarification. Cassandra Sterling suggested placing the definitions for this chapter of the ordinance at the beginning of the ordinance to clarify that section.

All councilors agreed that moving the definitions to be at the beginning of the ordinance makes sense.

Councilor Shannon said she would be fine defining a dog bite as one that breaks the skin, but also asked the City Attorney's Office to look at how other municipalities define a bite.

Councilor Shannon said she would like to defer the discussion of ID tags on cats until the public hearing on cat licensure.

Councilor Bergman suggested changing Section 5-16 to allow a prorated licensing fee for periods of time less than one year. Councilor Shannon suggested allowing a half-cost licensing fee if there is less than six months left on the year. Sarah Montgomery said state statute already allows half cost license fees after October 1.

Councilor Brown McKnight suggested leaving space in the ordinance for pet microchips in addition to other identification. Councilor Bergman said microchips should not replace ID tags that the general public can use to identify an animal's owner.

All councilors agreed to incorporate Section 5-14 into Section 5-16 for clarity.

5. Any Other Committee Business

The public hearing on cat licensure will be held on 1/23 at 5:30 PM in Contois Auditorium.

6. Adjournment

Without objection, Councilor Shannon adjourned the meeting.

The meeting was adjourned at 12:00 PM.

January 13, 2025

Good evening committee members and Attorney Sturtevant,

I am not able to attend tomorrow's meeting.

Here are my comments and questions mainly for the Vacant Building Ordinance.

1. Structures used for storage...a barn, carriage barn or shed.... how are they evaluated? What if they are empty...are these vacant structures??
 2. Defining dangerous is it merely in disrepair or could it house hazardous materials and left unsecured so animals and people could access?
 3. Penalties imposed....When Bill Keough served on the Council, we tried to increase fines imposed for violations. At the time the Noise Ordinance was widely used as one way to curtail disturbances in neighborhoods. We tried to increase these fines but the Courts would not uphold our request. Does the City now have the authority to significantly increase these fines? Will the Court impose them or reject and/ or reduce them?
 4. Owners of properties that have historic structures, some on the State or National Register, have come forward saying their structure is in such disrepair they have no option but to tear it down. Is there any way to prevent this Ordinance from being another way to have these structures qualify as vacant and justify their removal?
- Ideally, owners would see the value in preserving our history and learn how these could be used as additional housing options now allowed with the zoning changes incorporated in Neighborhood Code. Mary O'Neill may be a good person to reach out to regarding the desire in the City to save Historic Structures.

Animal Ordinance

If you do have the ability to impose higher fines or penalties then I ask you to review section 5-26 Cruelty.

Currently you have suggested increasing this to 600 dollars. I would like to see this higher at least 1000 but I would support much higher. I have no tolerance for people who abuse animals.

Thank you for taking the time to read this communication.

If possible can this be included in your packet as a submitted communication.

Sharon Bushor

Ward 1 Resident

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

ORDINANCE _____

Sponsor: Councilor Traverse

Public Hearing Dates: _____

An Ordinance in Relation to

VACANT BUILDINGS

BCO Chapter 8, Art. III

First reading: _____

Referred to: _____

Rules suspended and placed in all

Stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Chapter 8, Buildings and Building Construction, of the Code of Ordinances of the City of Burlington be and is hereby amended by amending Article III, Abatement and Rehabilitation of Vacant Buildings and Dangerous Structures, Sections 8-43, Definitions; 8-47, Vacant building permit; inspection; maintenance standards; fees; 8-49, Enforcement and penalties; to read as follows:

ARTICLE III. ABATEMENT AND REHABILITATION OF VACANT BUILDINGS AND DANGEROUS STRUCTURES

8-42 Statement of findings and purpose.

As written.

8-43 Definitions.

The words and phrases used in this section have the following meanings unless their context clearly indicates otherwise:

(1) *Director* means the director of the ~~enforcement agency~~ Department of Permitting & Inspections or ~~his/her~~their designee.

(2) *Vacant structure* means any structure or building that is:

(i) Unoccupied and unsecured; or

(ii) Unoccupied and secured by boarding or other similar means; or

(iii) Unoccupied and a dangerous structure; or

(iv) Unoccupied and condemned by the Director pursuant to applicable provisions of the code; or

(v) Unoccupied and has multiple code violations; or

(vi) Unoccupied and the building, structure, or its premises has been the site of unlawful activity within the previous six (6) months; or

(vii) Condemned by the Director and unlawfully occupied; or

(viii) Unoccupied for over one hundred eighty (180) days and during which time the Director has issued an order to correct public nuisance conditions and same have not been corrected in a code compliant manner; or

(ix) Unoccupied or unused for over two hundred ten (210) days.

(x) Exceptions. The term “vacant structure” shall not include:

(a) _unoccupied by a person or occupied by unauthorized persons for two hundred ten (210) days, excepting permitted warehouse or permitted storage structures, garages, vacation or resort facilities or those buildings or structures only used on a seasonal basis;

(b), and those buildings or structures being newly constructed within the terms of their building and zoning permits or under substantial rehabilitation for a period of one (1) year from the date that the building permit or zoning permit is issued—whichever is later.

(3) – (5) *As written.*

8-44 Enforcement authority.

As Written.

8-45 Obligations of owners of dangerous structures and buildings.

As Written.

8-46 Obligations of owners of vacant or abandoned buildings or structures.

As Written.

8-47 Vacant building permit; inspection; maintenance standards; fees.

(a) – (e) *As written.*

(f) (1) A fee ~~of seven hundred fifty dollars (\$750.00)~~ shall be charged for each vacant building permit or renewal of such permits issued under Section 8-47(d). The fee is to be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee. The amount of the fee shall be based on the duration of time the building has been vacant as determined by the following scale:

(i) One thousand five hundred dollars (\$1,500.00) for buildings that have been vacant for less than one year;

(ii) Two thousand dollars (\$2,000.00) for buildings that have been vacant for at least one year but less than two years;

(iii) Three thousand dollars (\$3,000.00) for buildings that have been vacant for at least two years but less than four years;

(iv) Four thousand dollars (\$4,000.00) for buildings that have been vacant for at least four years.

(2) All but two hundred dollars (\$200.00) of this fee shall be waived upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to the requirements of this article and its vacant building permit or renewal thereof. An owner shall be eligible for the waiver of the fee for no more than two (2) permit periods, not including any interim permit period that occurs within a permit period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the two hundred dollars (\$200.00). A person who purchases a vacant building shall have this fee waived for the remainder of the permit period and the permit period immediately following.

(3) All but ~~two hundredseventy-five~~ dollars (~~\$200.0075.00~~) of this fee shall be waived when a building is being rehabilitated pursuant to applicable building, fire, and zoning permits and the owner has spent at least five (5) percent of the assessed valuation of the building or structure on rehabilitation, not including the cost of permits, in the prior three (3) month period. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the ~~seventy-fivetwo hundred~~ dollars (~~\$200.0075.00~~).

(4) All but ~~seventy-fivetwo hundred~~ dollars (~~\$200.0075.00~~) of this fee shall be waived if an owner has secured all the duly required state and local permits to demolish the building or structure. The full fee shall be tendered with the request for a waiver and shall be refunded if the waiver is granted but for the ~~seventy-fivetwo hundred~~ dollars (~~\$200.0075.00~~). The owner shall demolish the building or structure within one (1) month of securing said permits; this waiver shall be void and the vacant building permit fee shall be owed if the owner fails to demolish within this time. The time to demolish may be extended upon a showing of good cause.

(5) Fees under this Article shall not apply to buildings owned by a department of the City of Burlington.

~~(5) —Once the permit has expired and the city deems the property no longer eligible for renewal of said permit, the city shall notify the owner. The owner shall either show proof of active marketing for sale or lease, a plan for rehabilitation including proof of construction under contract or proof of immediate demolition. Should none of the above be presented to the city within five (5) days of the expiration of the permit, the owner shall be fined one hundred dollars (\$100.00) per day until such proof is presented.~~

(g) *Signs/markings.* When required pursuant to this section, signs or markings on the buildings determined to be especially unsafe in case of fire shall be applied on the front of the property, and elsewhere as the Director, fire chief, or their designee may require, at or above the second floor level and shall not be placed over doors, windows or other openings. All signs/markings shall be visible from the street and, when requested by the fire chief, shall be placed on the sides and the rear of the property. Signs/markings shall be two (2) square feet with lines of two (2) inch width, and shall have a reflective background, or be painted with reflective paint, in contrasting colors as approved by the fire chief. Signs/markings shall be applied directly on the surface of the property and shall state the date of posting and the most recent date of inspection by the fire chief and director.

8-48 Appeals and Variances.

87 As written.

88 **8-49 Enforcement and penalties.**

89 (a) *Penalty.*

90 (1) A person shall be subject to a civil penalty of five hundred dollars (\$500.00) with a waiver penalty of one
91 hundred fifty dollars (\$150.00) for the following offenses:

92 a. Failure to apply for a vacant building permit or the filing of an incomplete application;

93 b. Failure to pay the vacant building fee;

94 c. Failure to schedule an inspection or to ~~show up~~provide in-person access for an inspection for which
95 notice has been given;

96 d. Failure to comply with the obligations set forth in Sections 8-46(c) and (d); and

97 e. Failure to comply with an order of the enforcement officer in the time required, with each separate
98 deficiency ordered to be corrected being deemed a separate order.

99 (2) A person who repeats the same offenses three (3) times within a twelve (12) month period shall be deemed
100 to have committed a criminal offense for the third offense subject to a fine of five hundred dollars (\$500.00).

101 (3) Prosecution under this section is a remedy cumulative to any and all other remedies at law and equity, and
102 in no way preempts, supersedes, or bars prosecution for violation of this article under subsection (b) of this
103 section.

104 (b) If a vacant building permit is denied or has expired and the city deems the property ineligible for said permit, the
105 city shall notify the owner. Within ten (10) days of receiving this notice or five (5) days of the expiration of an existing
106 permit, whichever is later, the owner must provide proof of active marketing for sale or lease, a plan for rehabilitation
107 including proof of construction under contract, or proof of immediate demolition. Should none of the above be
108 presented to the city within the time allotted, the owner shall be fined one hundred dollars (\$100.00) per day until such
109 proof is presented. This fine shall be applied in addition to any penalties set forth in subsection (a).

110 (c) Any violation of this article is also declared to be a public nuisance and subject to removal or abatement upon a
111 finding of violation by the superior court. An abatement action as contemplated by Section 8-45 is discretionary and is
112 not a precondition to criminal prosecution under this section, nor is a survey report by the director pursuant to
113 Section 8-45 a prerequisite for prosecution under this section.

114 (de) Any order issued pursuant to this article shall be recorded in the office where the land records are kept, thereby
115 becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or
116 interest in the property arises subsequent to the recording of the order. Once the violation(s) is certified to be corrected,
117 such orders shall be removed from the record. All fees, costs, or charges assessed pursuant to this article shall be a tax
118 lien upon the real property pursuant to 32 V.S.A. § 5061, so long as the lien is recorded in the office where the land
119 records are kept.

8-50 - 8-59 Reserved.

* Material stricken out deleted.
** Material underlined added.

BT/ks/Ordinances 2024/Vacant Buildings/BCO Ch. 8, Art. III
Secs. 8-43, 47, and 49.
11/7/2024

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Four

An Ordinance in Relation to

ANIMALS
BCO Chapter 5, Arts. I-III and Sec. 22-13

ORDINANCE _____

Sponsor: _____
Public Hearing Dates: _____

First reading: _____

Referred to: _____

Rules suspended and placed in all
Stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Chapter 5, Animals and Fowl, and Chapter 22, Parks, of the Code of Ordinances of the City of Burlington be and is hereby amended by amending Article I, In General; II, Dogs; Article III, Enforcement and Impoundment; Section 22-13, Animals Prohibited, Exceptions; to read as follows:

Chapter 5
ANIMALS AND FOWL¹

Article I. In General

5-1 ~~Pound established~~Animal shelter provided.

~~There shall be established by the city council a pound for the impounding of all beasts liable to be impounded. The poundkeeper or their designee shall designate animal shelters or other facilities for all domestic and exotic animals they determine to be in need pursuant to Section 5-25 below.~~

5-2 Appointment of poundkeeper; ~~compensation.~~

~~It shall be the duty of the mayor to appoint such a poundkeeper pursuant to Section 122 of the charter who may also be an animal control office. That person shall facilitate and oversee placement of animals at large or otherwise required to be impounded pursuant to this chapter. poundkeepers as may be required to take care of and keep such pound as may be established. Their compensation shall be the same as provided by the laws of this state for poundkeepers in towns.~~

5-3 Animal bites.

It shall be the duty of every person bitten, or ~~his or her~~their parent or guardian, and the attending physicians to report to the ~~poundkeeper~~animal control officer, who shall report to the city health officer, within twenty-four (24) hours, if feasible, the name, address and telephone number of the owner or keeper of the animal ~~who~~which bit the person and the complete circumstances, to the extent known.

Commented [A1]: Check with Bill to see if need 24 or can be softer and also if some immediate and some info can come later

5-4 Nuisance animals.

(a) No owner, keeper or other person having control shall permit an animal to be a nuisance animal. For the purposes of this section, nuisance animal means any animal or animals ~~who~~which:

- (1) ~~Molests~~Attacks or harasses passersby or passing vehicles, or otherwise creates a public safety hazard;
- (2) Attacks other animals off the owner's premises;
- (3) Damages property other than that of ~~its~~their owner;
- (4) Defecates off the premises of the animal's owner, and the owner, or other individual in control of the animal, fails to remove such deposit immediately;
- (5) Dog or cat at large as defined by Section 5-15 below; or
- ~~(5)~~ Barks, whines, howls, cries, or makes a noise commonly made by such animals in an excessive and continuous fashion so as to disturb the peace and quiet of any other person.

(b) Any dog or cat determined to be a nuisance animal by an animal control officer shall be impounded if the owner, or owner's agent, is not present and cannot be located immediately.

5-5 Exotic animals.

(a) Purpose and findings: The purpose of this section is to enhance the public safety of persons who are present on the district known as the Church Street Marketplace (the Marketplace) and in the city's parks by regulating the presence of "exotic" animals on the Marketplace and in the city's parks. The council finds that such pets can pose a threat to the public health, safety, and welfare if present on the Marketplace and in city parks. Such pets are unlicensed and are not typically leashed, as is required of domestic dogs.

(b) Definitions: "Exotic pet" means all animals except domestic dogs, domestic cats and the European ferret (*Mustela putorius furo*).

(c) *General prohibition:* No person shall have an exotic pet or permit their exotic pet to be on or about the Marketplace or within a city park unless expressly approved by the Marketplace Director or Parks Department respectively or exempted under the terms of this section.

(d) *Exemptions:* A person may have or permit an exotic pet to be on or about the Marketplace or within a city park when done to transport the pet directly from a pet store in the vicinity of the Marketplace or city park after purchase of such pet or to return such pet to said pet store. The person must retain a receipt for the purchase of such pet and shall display the receipt upon demand from any animal control officer, law enforcement officer, or other person duly authorized to enforce animal control ordinances.

5-6 Use of non-domesticated animals for public display prohibited.

(a) *Purpose.* This section is intended to assist in the prevention of the mistreatment of non-domesticated animals used in any public display, to reduce risk of harm to the public from accidents and incidents involving such animals, and to reduce the public health risk associated with diseases and pathogens carried by such animals.

(b) *Definitions.*

(1) *Non-domesticated animals* are defined as *Felidae* (all wild cats and hybrids thereof), *Ursidae* (all bears), *Proboscideae* (all elephants), and Non-human Primates and *Prosimians*.

(2) *Public display* shall mean the exhibition, presentation or showing of live non-domesticated animals to the general public regardless of whether for profit, on a not for profit basis or without charge.

(c) *Prohibition.* The public display of live non-domesticated animals within the corporate limits of the city is prohibited.

5-7—5-12 Reserved.

ARTICLE II. DOGS AND CATS¹

5-13 Definitions.

The following definitions shall apply to this article:

"At-large" shall mean not under the control of the owner, a member of the owner's immediate family, or the owner's agent or another individual either by leash, ~~cord, chain~~ or other similar means of physical restraint.

"Cat" shall include both male and female of the feline species.

~~"Dangerous dog" shall mean a dog that attacks or bites a person or other domestic pet while the dog is off the premises of the owner or keeper, and the person or domestic pet attacked or bitten. Dangerous dog complaints shall be investigated pursuant to section 5-27(b).~~

Commented [A2]: Check with other definitions for other jurisdictions

"Dog" shall include both male and female of the canine species. Dog shall also mean any animal which is considered to be a wolf-hybrid as defined in [20 V.S.A. § 3541\(6\)](#).

"Enforcement official" when used herein shall mean any animal control officer, police officer, poundkeeper, urban park ranger or other individual specifically designated by the city council to enforce the provisions of this chapter.

"Owner" shall include any person or persons, firm, association or corporation owning, keeping or harboring a dog or cat.

~~"Vicious dog" shall mean a dog which attacks or bites a person or other domestic pet while the dog is off the premises of the owner or keeper, and the person or pet attacked or bitten requires medical attention. Vicious dog complaints shall be investigated pursuant to section 5-27(b).~~

5-14 At-large prohibited.

(a) *Prohibition.* Except as exempted below, no person shall permit a dog or cat for whom they are the ~~owner owned by him or her~~ or ~~who is~~ under ~~their his or her~~ control to be at-large as defined in section [5-13](#) or to trespass upon the property of another, public or private.

Commented [A3]: Discuss at forum

(b) *Public Safety.* Should an at-large dog or cat be deemed to pose an imminent public safety risk, said animal may be killed by the Police Department or their designee. Such an act shall occur where other reasonable means to control the animal have been unsuccessful or deemed not practicable under the circumstances.

(c) *Exemptions.* A dog or cat ~~may be~~ is not at-large if ~~it is~~ they are:

(1) On the premises of the dog's or cat's owner;

(2) On the premises of the person under whose control the dog or cat is under; or

(3) On the premises of another person as long as that person has given permission for the dog or cat to be at-large;

(4) A dog is not at-large if they are ~~in~~ a designated off-leash dog area managed and regulated by the board of parks and recreation commissioners.

5-15 License and rabies vaccination required.

(a) *Licensing.* Every owner or keeper of a dog or cat more than six (6) months old shall be required to ~~annually~~ register and license the animal, in the manner prescribed by the city, with the city clerk's office and to do so annually provided that no owner shall be required to register a dog or cat more than once in any calendar year. Pursuant to 20 V.S.A. §3582, if application is made after October 1, the fee for the license shall be one-half the amount otherwise required. The license shall expire on the first day of April next after its issuance. Upon issuance of such license and payment of the license fee as required in section 5-16 of this chapter, each ~~dog~~ owner shall receive a ~~dog~~ license tag.

(b) *Rabies vaccination.* Proof of a current rabies vaccination, as required by state law, shall be required for the licensing of any animal.

(c) *Fixture of tag.* The ~~dog~~ license tag issued to any person as provided herein as well as up to date identification that includes the name and contact information for the owner of the dog or cat shall be securely attached to a collar or harness on such licensed dog or cat and worn at all times.

5-16 License fees.

(a) In addition to the license fee and any penalty fee required by state law, the municipal fee for each license required by this article shall be ~~twenty dollars (\$20.00) for each neutered/spayed dog and forty dollars (\$40.00) for each non-neutered/non-spayed dog~~ recommended by the clerk's office and approved by the city council, provided that the fee for an intact dog or cat shall be greater than that for a neutered or spayed dog or cat. The fees established under this section shall be reviewed not less than every five years.

(b) The municipal fees collected under this section shall be used for education and other services pertinent to the improved welfare of dogs and cats who reside in the city.

~~(b)~~ The owner or keeper of a neutered/spayed dog that serves as the person's service animal under the Americans with Disabilities Act may request waiver of the municipal license fee (but not the state fee) by providing to the city clerk's office adequate responses to the following questions in writing:

- Is the dog a service animal required because of a disability?
- What work or task has the dog been trained to perform?

5-17 Removal of dog waste required.

The owner, keeper or person in control of any dog or cat shall be responsible for the removal of any defecation deposited by such dog or cat on any public or private property.

5-18—5-23 Reserved.

ARTICLE III. ENFORCEMENT AND IMPOUNDMENT

5-24 Penalties.

An offense of any provision of this chapter by any person shall be deemed a civil ordinance violation and shall be punishable by the following penalties:

(1) *First offense.* A first offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than ~~one~~two hundred dollars (\$~~2~~400.00) and no more than ~~one~~two hundred fifty dollars (\$~~4~~250.00). The waiver fine shall be ~~two~~one hundred dollars (\$~~4~~200.00).

(2) *Second offense.* A second offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than ~~one~~two hundred fifty dollars (\$~~4~~250.00) and no more than ~~three~~two hundred fifty dollars (\$~~3~~50.00). The waiver fine shall be ~~two~~one hundred fifty dollars (\$~~4~~250.00).

(3) *Third and subsequent offenses.* A third or subsequent offense of any provision of this chapter in any twelve-month period shall be punishable by a fine of no less than ~~three~~two hundred fifty dollars (\$~~3~~50.00) and no more than ~~five~~six hundred dollars (\$~~5~~600.00). The waiver fine shall be ~~three~~two hundred fifty dollars (\$~~3~~50.00).

In addition to the penalties provided in this section:

(1) Any person found in violation of this chapter may be subject to a restorative justice process with the Burlington Community Justice Center at the discretion of the animal control committee.

(2) Any animal found in violation of this chapter may be impounded as provided in section 5-25 of this chapter.

5-25 Impoundment.

(a) *Authority to impound.* ~~Dogs~~Any animal in violation of any provision of this chapter or suspected of being diseased or injured may be taken by the enforcement officer and impounded in the city animal shelter and there confined in a humane manner, except that any animal suspected of being a stray shall be impounded. ~~The enforcement officer may, in lieu of boarding and when in the public interest and consistent with the public safety, allow an impounded dog to remain confined in the custody of its owner on the owner's recognizance that the dog shall remain confined to the owner's property, follow the terms of impoundment set by the enforcement officer and shall not be in violation of any provision of this chapter. Confinement in lieu of boarding shall continue until such time as the violation or condition authorizing impoundment has been abated.~~

(b) *Impoundment fees.* Any ~~dog~~animal impounded under the provisions of this chapter shall be released only on payment of a ~~one hundredseventy-five~~ dollars (~~\$75~~100.00) impoundment fee.

(c) *Boarding fee.* In addition to the impoundment fee charged herein there shall be an additional charge of ~~ten dollars (\$10.00) per day~~actual expenses for board for ~~each day~~the period that the animal is impounded, ~~except that if an animal is claimed up to three (3) hours after impoundment, the owner will be responsible for one half (1/2) day's boarding fee. If an animal is claimed within two (2) hours of opening business hours on the following business day, the owner will not be charged for that day's boarding fee.~~

(d) *City clerk to collect fees before releasing* animal~~dog~~. It shall be the duty of the city clerk to collect all impound and boarding fees before releasing an animal~~dog~~.

(e) *Unlicensed dogs* and cats *to be licensed before release.* If an impounded dog or cat is unlicensed, in addition to the impoundmenting and boarding fees set forth herein, the dog or cat shall not be released without the payment of the license fee required by section 5-17, except that if the impounded dog or cat has not had its proper vaccinations to be registered a ~~one hundredforty-five~~ dollar (~~\$100~~45.00) cash deposit shall be posted with the city clerk or ~~their~~his or her designated agent(s) until proof of registration is presented. A dog or cat released under cash deposit shall be registered within two (2) working days after ~~its~~ release. If the dog or cat is not registered within the time period set forth herein, the cash deposit shall be forfeited and the owner of the animal shall be subject to additional penalties under the provisions of 20 V.S.A. Chapter 193

(f) *Disposition of unredeemed* ~~dogs~~animals. If any impounded animal~~dog~~ ~~with a current and effective license established by proof of a dog license tag,~~ is not redeemed within (7) days of ~~its~~ impoundment, ~~the animal~~ shall be ~~sold or given away~~offered for adoption at the city animal shelter or transferred to a cooperating animal shelter as defined in 20 V.S.A. §3901. If any impounded dog without a current and effective license established by proof of a dog license tag, is not redeemed within (5) days of its impoundment, it shall be sold or given away. Any proceeds from the sale of any impounded dog shall first be allocated to taxes, fees and other charges related to the impoundment. Any balance then remaining shall be paid to the owner if any is found. If proceeds from the sale of the unredeemed dog do not cover the costs associated with the impoundment, the balance of sums owed under this chapter may be collected in a civil action brought under this section. If any unredeemed animal~~dog~~ is not ~~sold or given away~~adopted because of disease, temperament or other cause, it shall be euthanized, destroyed in a humane way. The impoundment period may be waived by the ~~poundkeeper~~director of the animal shelter in the case of a severely injured animal whose owner cannot be located or is unwilling to claim the animal.

(g) *Interference with impoundment.* Any person who interferes with the impounding of an animal~~dog~~ under provisions of this article or releases, or who attempts to release, an impounded animal~~dog~~ contrary to this article shall be in violation of this chapter.

(h) *Notice of impoundment.* Within twenty-four (24) hours of the impoundment of any animal~~dog~~ under this chapter, the enforcement officer shall make every reasonable attempt to notify the owner of the impounded animal~~dog~~ of such impoundment. Such notice shall include either personal contact with the owner or a written notice posted at the dwelling house of the owner.

5-26 Cruelty.

Any person who shall torture, torment or cruelly neglect to provide with necessary sustenance or shelter, or shall cruelly beat or needlessly mutilate or illegally kill any animal, or any person who shall cause any animal to be tortured, tormented, or fight with other animals, or deprived of necessary sustenance or to be cruelly beaten or needlessly mutilated or illegally killed shall be guilty of a misdemeanor offense and shall be punishable by a fine of from ~~one~~three hundred dollars (\$~~1~~300.00) to ~~six~~five hundred dollars (\$~~5~~600.00).

5-27 Animal control committee.

(a) *Animal control committee established.* For purposes of this section, an animal control committee is established. The animal control committee will be a subcommittee of the Burlington Police Commission and shall consist of three (3) commission members, one (1) licensed veterinarian, and (1) certified animal behavior professional to be appointed on an as needed basis by the chair of the Burlington Police Commission. The designated animal control officer shall be the prosecuting officer for any violation brought before the committee.

(b) ~~Vicious~~Dangerous dogs. Upon written complaint received or initiated by the Burlington Police Department by a city resident that a dog is alleged to be ~~dangerous~~vicious as defined in section 5-13(e), the animal control committee may hold a hearing on the facts of the complaint and, if the dog is found to be ~~dangerous~~vicious, make such order as necessary to protect the public. Such order may include, but is not limited to, any of the following: confinement in a secure enclosure or other similar restriction, muzzling adoption, or ~~euthanasia~~destruction in a humane manner. In addition, the animal control committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the city and that no new privileges be granted.

(c) *Repeated impoundment.* In the event that any dog shall be impounded three (3) or more times in a twelve-month period, the animal control committee may, at the request of an enforcement officer, or in their discretion, hold a hearing after which they may make such order as is necessary to protect the public. Such order may include, but is not limited to, any of the following: confinement in a secure enclosure or other similar restriction, muzzling adoption, or ~~euthanized~~destruction in a humane manner. In addition, the animal control committee may revoke the privilege of any owner to keep, harbor or have custody of any animals while in the city and that no new privileges be granted.

(d) *Penalty for violation of orders.* Any person who violates any provision of any order of the animal control committee shall be guilty of a misdemeanor offense and shall be punishable by a fine of from ~~three~~one hundred dollars (\$~~3~~100.00) to ~~six~~five hundred dollars (\$~~6~~500.00).

5-28 Confinement of animals in vehicles.

(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 animal control~~ officer, law enforcement 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 humane society, veterinarian or town or municipal pound. 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 associated with the removal, delivery, boarding and disposition of the animal and a lien may be placed on the animal for these expenses.~~ The officer may not be held ~~liable for~~ subject to criminal or civil liability for any damage resulting from actions taken under subsection (a) of this section. If the aforementioned officers are unavailable, a person who forcibly enters a motor vehicle for actions taken under subsection (a) of this section shall be subject to criminal or civil liability for damage resulting from the forcible entry if the person: (1) determines the motor vehicle is locked or there is otherwise no reasonable method for the animal to exit the vehicle; (2) reasonably and in good faith believes that forcible entry into the motor vehicle is necessary because the animal is in imminent danger of harm; (3) notifies a humane officer, law enforcement officer, or member of a fire and rescue service prior to forcibly entering the vehicle; (4) remains with the animal in a safe location reasonably close to the motor vehicle until a humane officer, law enforcement officer, or member of a fire and rescue service arrives; (5) places a notice on the vehicle that the authorities have been notified and specifying the location of the animal; and (6) uses no more force to enter the vehicle and remove the animal than necessary under the circumstances. An officer shall deliver the animal to a humane society, veterinarian or the city animal shelter. 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 address where the animal may be claimed. The owner shall be liable for reasonable expenses associated with the removal, delivery, boarding and disposition of the animal and a lien may be placed on the animal for these expenses.

(c) A violation of this section shall be a civil violation subject to the penalties imposed by Section 5-24.

5-29 Abandonment of injured animal

(a) A person shall not leave the scene of an accident in which such person has reason to believe that they have caused the injury or death of a domestic animal. Such person shall immediately contact an enforcement officer, and make a reasonable effort to immediately contact the owner of the animal. If the animal is injured wildlife, the person shall contact a humane officer or a licensed wildlife rehabilitator for assistance.

(b) A violation of this section shall be a civil violation subject to the penalties imposed by Section 5-24.

268 | 22-13 Animals prohibited; exception.

269 No domestic animals, except dogs and cats, shall be permitted in any park. Dogs shall be leashed or
270 controlled by other similar means of physical restraint at all times, except in off-leash areas designated in the
271 Off-Leash Dog Policy. Cats shall be leashed or confined in a carrier at all times.

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276 * Material stricken out deleted.

277 ** Material underlined added.

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279 /ks/Ordinances 2024/Animals & Fowl

280 1/10/2025

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