



Tuesday, March 18, 2025, 10:00 AM, Public Works Front Conference Room at 645 Pine or Remotely via Zoom

When: Mar 18, 2025 10:00 AM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

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International numbers available: <https://zoom.us/u/aB03MQutb>

1. Agenda

1.1. Motion to amend/adopt agenda

2. Adopt Draft Minutes

Subject	2.1. Adopt Draft Minutes from 3/5/2025
Meeting	March 18, 2025 - Ordinance Committee Meeting - Tuesday, March 18, 2025, 10:00 AM, Public Works Front Conference Room at 645 Pine or Remotely via Zoom
Category	2. Adopt Draft Minutes
Department	Council and Board

Type

Recommended Action

Subject **2.2. Adopt Draft Minutes from 3/11/2025**

Meeting March 18, 2025 - Ordinance Committee Meeting - Tuesday, March 18, 2025, 10:00 AM, Public Works Front Conference Room at 645 Pine 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 March 18, 2025 - Ordinance Committee Meeting - Tuesday, March 18, 2025, 10:00 AM, Public Works Front Conference Room at 645 Pine or Remotely via Zoom

Category 3. Public Forum

Department Council and Board

Type

4. Animal Ordinance Discussion

Subject **4.1. Animal Ordinance Discussion**

Meeting March 18, 2025 - Ordinance Committee Meeting - Tuesday, March 18, 2025, 10:00 AM, Public Works Front Conference Room at 645 Pine or Remotely via Zoom

Category 4. Animal Ordinance Discussion

Department Council and Board

Type

Recommended Action

5. Vacant Buildings Ordinance

Subject **5.1. Vacant Buildings Ordinance Discussion**

Meeting March 18, 2025 - Ordinance Committee Meeting - Tuesday, March 18, 2025, 10:00 AM, Public Works Front Conference Room at 645 Pine or Remotely via Zoom

Category 5. Vacant Buildings Ordinance

Department Council and Board

Type

Recommended Action

6. Reporting Incentives Ordinance Discussion

Subject	6.1. Reporting Incentives Ordinance Discussion
Meeting	March 18, 2025 - Ordinance Committee Meeting - Tuesday, March 18, 2025, 10:00 AM, Public Works Front Conference Room at 645 Pine or Remotely via Zoom
Category	6. Reporting Incentives Ordinance Discussion
Department	Council and Board
Type	
Recommended Action	

7. Any Other Committee Business

Subject	7.1. Any Other Committee Business
Meeting	March 18, 2025 - Ordinance Committee Meeting - Tuesday, March 18, 2025, 10:00 AM, Public Works Front Conference Room at 645 Pine or Remotely via Zoom
Category	7. Any Other Committee Business
Department	Council and Board
Type	
Recommended Action	

8. Adjournment

Subject	8.1. Motion to adjourn
Meeting	March 18, 2025 - Ordinance Committee Meeting - Tuesday, March 18, 2025, 10:00 AM, Public Works Front Conference Room at 645 Pine or Remotely via Zoom
Category	8. Adjournment
Department	Council and Board
Type	
Recommended Action	

**Ordinance Committee
Wednesday, March 5, 2025
645 Pine St Front Conference Room
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), Charles Dillard (Planning Director), William Ward (DPI Director)

Public Present: Justin Worthley, Ken Grillo, Carly Fleming, Andy Tracy, Clayton Dykstra, Evan Gould, Jacob Alfar, Jamie, Sophie Weinman, Sharon Bushor, Jeff Nick, Lori Kettler, Ben Traverse

Meeting called to order at 7:07 PM.

**1. Adopt the Agenda
1.01 Adopt the Agenda**

Motion to Adopt Agenda.

Motion by Councilor Bergman, Seconded by Councilor Brown McKnight.

Final Resolution: Motion Passes

Yes: Unanimous

2. Public Forum

Charles Dillard (Director of Planning) presented an overview of the draft changes. Public comment followed the presentation. Video recording available on CivicClerk.

3. Adjournment

The meeting was adjourned at 8:15 PM.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: _____

Public Hearing Dates: _____

In the Year Two Thousand Twenty-Four

First reading: _____

Referred to: _____

Rules suspended and placed in all

Stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

ANIMALS

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

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 official authorized to enforce the provisions of this chapter animal control officer. 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.

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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 ~~official authorized to enforce this chapter 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.

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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 ~~which~~:

(1) ~~Molests Attacks~~ or harasses passersby or passing vehicles, or otherwise creates a public safety hazard;

(2) Attacks other animals, including domestic pets, avians, and wildlife, off the owner's premises;

(3) Damages property other than that of ~~its~~ their owner, ~~damage;~~ may include but is not limited to, damage caused by urination or spraying;

(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) Dogs or cat at large as defined by Section 5-14 below;

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(6) Trespasses on the property of another; or

(56) 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 ~~animal dog or cat~~ dog or cat determined to be a nuisance animal by an ~~official~~ authorized to enforce this ordinance animal control officer shall be impounded if the owner, or owner's agent, is not present and cannot be located immediately.

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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 ~~Authorized Official~~ animal control officer, law enforcement officer, or other person duly authorized to enforce animal control ordinances.

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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 CATS~~¹

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.

79 ~~"Dangerous dog" shall mean a dog that attacks or bites a person or other domestic pet while the dog is off~~
80 ~~the premises of the owner or keeper. Dangerous dog complaints shall be investigated pursuant to section 5-~~
81 ~~27(b).~~

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

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

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

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

92 | 5-14 At-large prohibited.

93 (a) *Prohibition.* Except as exempted below, no person shall permit a dog ~~or cat for whom they are the~~
94 ~~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
95 to trespass upon the property of another, public or private.

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

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

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

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

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

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105 (4) ~~A dog is not at-large if they are in~~ a designated off-leash dog area managed and regulated by the
106 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 **and Cat** 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~~500.00). 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 five hundred dollars (\$~~6~~500.00). 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 Authorized Official 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.

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(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 impound~~ment~~ing 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 Authorized Official~~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.

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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 (\$~~13~~00.00) to ~~six~~fivefive hundred dollars (\$~~55~~00.00).

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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~~Authorized Official, 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.

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(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 (\$~~43~~00.00) to ~~six~~fivefive hundred dollars (\$~~55~~00.00).

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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~~ authorized enforcement ~~animal control~~ Authorized Official, 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~~ Authorized Official ~~officer, fire, and/or rescue personnel~~ 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~~ Authorized Official/officers/personnel ~~are unavailable, a person who forcibly enters a motor vehicle for actions taken under subsection (a) of this section shall not 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~~ Authorized Official ~~authorized enforcement 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 an~~ Authorized Official, 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 Authorized Official, officer and/or personnel ~~shall deliver the animal to a humane society, veterinarian or the city animal shelter. If the owner of the animal cannot be found, the~~ Authorized Official/officer/personnel ~~shall place a written notice in the vehicle, bearing the name of the~~ Official/officer/personnel ~~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 ~~A~~ authorized Official ~~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 an~~ Authorized Official ~~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.

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276 | 22-13 Animals prohibited; exception.

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

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282

283

284 * Material stricken out deleted.

285 ** Material underlined added.

286

287 /ks/Ordinances 2024/Animals & Fowl

288 3/14/2025

289

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Five

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.

(a) Being that there exist in the City of Burlington structures or buildings that have become dangerous or unsafe and numerous other structures that are vacant, abandoned, and in disrepair, the Burlington city council finds and declares that:

(1) Structures that become dangerous and unsafe must promptly be made safe and secure to protect the public safety.

(2) Structures that are vacant and not properly secured are dangerous and unsafe in that they are extremely vulnerable to being set on fire by unauthorized persons.

(3) Many structures that are vacant, whether secured or not, are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods, and have an adverse impact upon adjacent and nearby properties.

(4) Structures that were previously used as residential units and have since become vacant have a significant and detrimental impact on the local housing market.

(5) Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal criminal activities, including arson and drug use.

(6) Structures that are vacant and unsecured pose serious threats to the public's health and safety and therefore are declared to be public nuisances.

(7) Immediate abatement and rehabilitation of these structures is necessary to abate such public nuisances, prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties, secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.

(8) Communication between owners of dangerous and vacant buildings and the city is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regards to such structures.

(b) The purpose of this article is to establish the reasonably necessary measures to abate the public nuisances, blight, negative housing market impact, and other harmful effects connected with dangerous and vacant or abandoned buildings and structures and bring back into productive use consistent with the authority vested in the city to protect the health, safety and welfare of the public through the regulation of the construction, maintenance, repair, and alteration of buildings and other structures within the city.

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 condemned by the Director pursuant to applicable provisions of the code; or

(ii) Unoccupied and has multiple code violations; or

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

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

(v) Unoccupied by a person or occupied by unauthorized persons 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

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

(vii) 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 or other accessory buildings not intended for human occupancy (accessory buildings are as defined by Section 13.1.2 of Appendix A) that are actively used for their intended function, or 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 or from when the construction starts—whichever is later.

(3) *Dangerous building or structure* means a building or structure or part thereof declared structurally unsafe or hazardous by any duly constituted authority, whether it is occupied, unoccupied, or vacant.

(4) *A showing that the building is being actively marketed for sale or lease* means (a) evidence that the building or structure is being continuously marketed for sale or lease and is publicly available and viewable for sale or lease to prospective buyers or lessees until it is under contract, and (b) the disclosure of a reasonable asking price.

(6) *Substantial rehabilitation* means rehabilitation the value of which exceeds fifty (50) percent of the assessed valuation of the building or structure.

(5) *Owner* shall mean any and all owners of record or trustees for such owners. The obligations of owners under this article extend to the agents of such owner(s) or other persons interested in the building or structure.

(7) Unoccupied building means a building that is unattended and is not actively used as a place of residence or business.

8-44 Enforcement authority.

The director of the department of permitting and inspections is authorized to administer and enforce the provisions of this article. The director shall determine if a property meets the standards of a vacant building under this article. The director may take such measures as are necessary for the proper administration of the article, including, but not limited to, maintaining lists on the status of vacant buildings or structures. The director may delegate their powers and duties under this chapter to an appropriate administrator or any inspector so designated.

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

(a) A building or structure or part thereof that is or becomes dangerous or unsafe shall be made safe and secure within twenty-four (24) hours of such danger being declared by a duly authorized official of the city. If the director or their designee determines the building cannot be made safe or secure, the owner shall take down and remove the building within sixty (60) days after such determination. An owner of such a dangerous or unsafe building or structure who would make safe or would take down and remove such a building or structure pursuant to this section shall comply with all applicable building, fire prevention, zoning ordinances and codes, including Article 9 of the zoning ordinance, the Housing Replacement Ordinance, and any other applicable code or ordinance. An administrative fee of one hundred dollars (\$100.00) per structure shall be charged to the owner(s) of a dangerous structure and/or building upon issuance of the determination to offset the cost to the city for the administrative time of the director or their designee in issuing the determination. This fee is to help alleviate the administrative cost of issuance of the order, it

89 does not address any fines or fees that may be issued if the order is not followed by the owner(s). No change of use or
90 occupancy shall be compelled by reason of such reconstruction or restoration.

91 (b) The director shall inspect a building or structure upon receiving information that the building or structure or
92 anything attached or connected therewith is in violation of the specifications of all applicable building, fire prevention,
93 and public safety ordinances and codes adopted herein or is otherwise in such unsafe condition that the public safety is
94 endangered in the first forty-eight (48) hours upon receiving such notice. If the director has reason to believe that an
95 emergency situation exists tending to create an immediate danger to the health, welfare, or safety of the general public,
96 the director shall enter and inspect the premises. Absent an emergency situation, if the owner of the vacant building or
97 structure fails or refuses to consent to an inspection, the director shall seek a search warrant from the Vermont District
98 Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to
99 ensure its structural integrity, that it will be safe for entry by police officers and firefighters in time of exigent
100 circumstances or emergency, that the building and its contents will not present a hazard to the public.

101 (c) If, in the director's judgment, the structure or building appears to endanger the public safety, the director shall in
102 their discretion elect to commence action to abate as herein provided. To commence an abatement action, the director
103 shall make a careful survey report based on their inspection of the premises, or if necessary based on an additional
104 inspection and forthwith notify the owner to remove the condition or building or make the building or condition safe
105 and secure in the time specified for in the notice. If it appears to the director that such structure would be especially
106 dangerous, the director may affix a notice of dangerousness in a conspicuous space upon the structure's exterior walls
107 which shall not be removed or defaced without the director's authority.

108 (d) Any person notified as provided in subsection (c) of this section shall within the time specified commence to
109 secure or remove such structure. If the public safety so requires, the director shall enter upon the premises and cause
110 the structure to be made safe and secure and that passers-by are protected at the expense of the owner or person
111 interested. Such costs charged to the owner or person interested shall be payable to the city upon receipt.

112 (e) If the owner continues such refusal or neglects to remove or make the building safe, the director shall cause it to
113 be taken down or otherwise made safe, and the costs and charges incurred shall constitute a lien upon the real estate
114 upon which such building is situated and shall be enforced within the time and in the manner provided for the
115 collection of taxes on land, pursuant to [32 V.S.A. § 5061](#), so long as the lien is recorded in the office where the land
116 records are kept. In addition, for every day's continuance of such refusal or neglect, the owner or person interested
117 shall forfeit to the city one hundred dollars (\$100.00), to be recovered in a civil action on this article.

118 Any violation of this section is declared to be a nuisance and subject to removal or abatement upon a finding of
119 violation by the superior court. The court shall restrain the construction, alteration, maintenance or use of a building or
120 structure in violation of this section and shall restrain the further construction, alteration or repair of a building or
121 structure reported to be unsafe under a survey authorized by this section.

122 An abatement action under this section is a remedy cumulative to other remedies at law and equity, and in no way
123 preempts, supersedes, or bars civil or criminal prosecution for violation of this article, the model building or Life
124 Safety Code or any applicable building, fire prevention, or public safety ordinance, nor is the commencement of an
125 abatement action a condition precedent to the initiation of criminal prosecution or any other remedy. Failure to adhere
126 to the procedure prescribed in this section shall not bar relief or remedy if such failure does not prejudice a person
127 interested and merely constitutes harmless error.

(f) An owner or person interested who is aggrieved by an order issued pursuant to this section may appeal to the board of appeals as constituted in Section 8-8. An owner or person interested who is aggrieved by an order of the board of appeals may appeal by instituting relief in the Chittenden Superior Court under V.R.C.P. 74.

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

(a) The owner of a vacant building or structure shall obtain a vacant building permit for the period during which it is vacant. When a building or structure becomes vacant, as defined by Section 8-43, the owner of the building shall apply for and obtain a vacant building permit and pay the fee, as set forth in Section 8-47.

Upon the expiration of a vacant building permit, if the building or structure is still vacant, the owner shall arrange for an inspection of the building and premises with the director and appropriate police and fire officials. A permit is not automatically renewable. It is within the purview of the appropriate city officials whether to renew said permit, taking into account the owner's responsiveness to neighborhood concerns, record of the owner in responding to city directives, history as a property owner, as well as the number of times the owner has expired a permit. It is the city's policy not to allow vacant buildings to remain as such for prolonged periods of time. Once a building is vacant, it is the responsibility of the owner to make plans for the building, be it to rehabilitate, demolish or sell the property. Should the decision be to sell, active efforts must be underway and all obligations will transfer to the new owner.

Should a permit be renewed, it will be under the conditions that a plan is in place. All renewed permits shall be subject to all conditions and obligations imposed by this article or the initial permit unless expressly exempted therefrom.

(b) The owner of a vacant building or structure shall comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and shall apply for all necessary building, fire prevention, and zoning permits upon application for a vacant building maintenance permit.

(c) The owner of a vacant building or structure shall immediately, within the first week of vacancy, remove all combustible waste and refuse therefrom in compliance with the applicable fire prevention code and shall remove any waste, rubbish or debris from the interior of the structure. The owner of a vacant building or structure shall also immediately remove any waste, rubbish, debris or excessive vegetation from the yards surrounding the vacant building or structure in accordance with the vacant building maintenance standards of this article.

(d) The owner of a vacant building or structure shall immediately lock, barricade or secure all doors, windows and other openings in the building or structure to prohibit entry by unauthorized persons, in accordance with the vacant building maintenance standards of this article. The owner of a vacant building or structure shall provide the police department with a list of persons authorized to be present in the building and shall provide notices of trespass to the police authorizing the arrest for trespass of individuals not on the list. The owner shall update the authorized person list as needed.

(e) The obligations of owners of a vacant building or structure are continuing obligations which are effective throughout the time of vacancy, as that term is defined in this article. The director shall have continuing abatement authority throughout the time of vacancy.

164 | **8-47 Vacant building permit; inspection; maintenance standards; fees.**

165 (a) Application by the owner of a vacant building or structure for a vacant building permit shall be made on a form
166 provided by the director. Applicants shall provide a maintenance plan covering the permit period which shall disclose
167 all measures to be taken to ensure that the building or structure will be kept weather-tight and secure from trespassers,
168 safe for entry by police officers and firefighters in times of exigent circumstances or emergency, compliant with the
169 obligations set forth in Section [8-46](#) and subsection (e) of this section and together with its premises be free from
170 nuisance and in good order in conformance with the vacant building maintenance standards. Applicants shall disclose
171 the expected period of vacancy (including the date of vacancy), and state the plan and timeline for the lawful
172 occupancy, rehabilitation or removal or demolition of the structure.

173 (b) Vacant buildings shall be inspected at or around the beginning of the permit period to determine that they comply
174 with this article. The owner shall cooperate with and attend the inspection and there will be a cost to the inspection that
175 is the responsibility of the owner.

176 If the director has reason to believe that an emergency situation exists tending to create an immediate danger to the
177 health, welfare, or safety of the general public, no notification or warrant is necessary and the director shall enter and
178 inspect the premises pursuant to Section [8-45](#).

179 If the owner of the vacant building or structure does not cooperate with and or attend an inspection, the director may
180 seek a search warrant from the Vermont District Court for the purpose of determining compliance with this article.

181 (c) The director, upon inspection, shall issue any order for work needed to:

182 (1) Comply with this article and adequately protect the building from intrusion by trespassers and from
183 deterioration by the weather in accordance with the vacant building maintenance standards set forth in this
184 article; and

185 (2) Ensure that allowing the building to remain will not be detrimental to the public health, safety and
186 welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises
187 within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering
188 the premises in times of emergency.

189 When issuing such orders, the director shall specify the time for completion of the work. The order shall act as an
190 interim vacant building permit, the duration of which shall be for the time set forth in the director's order. No interim
191 permit shall be effective for a period of more than three (3) months. All work done pursuant to this article shall be
192 done in compliance with the applicable building, fire prevention, and zoning codes and ordinances.

193 (d) The director shall issue a vacant building permit upon being satisfied that the building has been inspected and is
194 in compliance with this article. This permit shall be effective for a period of up to three (3) months during which time
195 it is the responsibility of the owner to notify the city of their plans to rehabilitate, demolish or sell the property.

196 (e) A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from
197 deterioration by the weather if it satisfies the following vacant building maintenance standards:

198 (1) *Building openings:* Doors, windows, areaways and other openings shall be weather-tight and secured
199 against entry by birds, vermin and trespassers and free from graffiti. Missing or broken doors, windows and

other such openings shall be covered by glass or other rigid transparent materials which are weather protected, and tightly fitted and secured to the opening.

(2) *Roofs:* The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.

(3) *Drainage:* The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

(4) *Building structure:* The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage. The building shall be sanitary. The building shall not pose a threat to the public health and safety.

(5) *Structural members:* The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

(6) *Foundation walls:* The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, free from graffiti, and be animal and rat-proof.

(7) *Exterior walls:* The exterior walls shall be free of holes, breaks, free from graffiti, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay, corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(8) *Decorative features:* The cornices, belt courses, corbels, terra cotta trim, fences, wall facings and similar decorative features shall be safe, anchored, and in good repair and free from graffiti. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay, corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(9) *Overhanging extensions:* All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound, and free from graffiti. Exposed metal and wood surfaces shall be protected from the elements and against decay, corrosion or rust by periodic application of weather-coating materials, such as paint or similar surface treatment

(10) *Chimneys and towers:* Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair, and free from graffiti. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(11) *Walkways:* Walkways shall be safe for pedestrian travel.

(12) *Accessory and appurtenant structures*: Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.

(13) *Premises*: The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.

(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 dollars (\$1,000.00) per quarter for buildings that have been vacant for less than one year as measured from the date the building was declared vacant;

(ii) One thousand five hundred dollars (\$1,500.00) per quarter for buildings that have been vacant for at least one year as measured from the date the building was declared vacant.

For residential 1 or 2 unit properties:

(i) Seven hundred fifty dollars (\$750.00) per quarter for buildings that have been vacant for less than one year as measured from the date the building was declared vacant;

(ii) One thousand dollars (\$1,000.00) per quarter for buildings that have been vacant for at least one year as measured from the date the building was declared vacant.

(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.

(a) A party aggrieved by an action of the director shall appeal such action by requesting a hearing to the board of appeals pursuant to the provisions of Section 8-8, excepting appeals of actions taken pursuant to Section 8-45, which shall be taken in accordance with Section 8-45(f).

(b) Any person subject to the provisions of this article may seek a variance from the provisions of this article before the board of appeals in the same manner that an appeal is taken to the board, and subject to the same procedures as an appeal.

(c) Where a variance is requested by an applicant, the board of appeals may grant such a variance, and render a decision in favor of the appellant, if the following are found by the board:

(1) That there are circumstances or conditions that make strict compliance with the provisions of this article unusually difficult or unduly extensive, or would create an undue hardship;

(2) That such a hardship or condition has not been created by the applicant; and

(3) That the variance requested will represent the minimum relief necessary and will represent the least deviation possible from the requirements of this article.

(d) In rendering a decision in favor of an applicant, the board of appeals shall attach such conditions to such variance as it considers necessary and appropriate under the circumstances to implement the purposes of this article.

8-49 Enforcement and penalties.

(a) *Penalty.*

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

- a. Failure to apply for a vacant building permit or the filing of an incomplete application;
- b. Failure to pay the vacant building fee;
- c. Failure to schedule an inspection or to ~~show up~~provide in-person access for an inspection for which notice has been given;
- d. Failure to comply with the obligations set forth in Sections 8-46(c) and (d); and
- e. Failure to comply with an order of the enforcement officer in the time required, with each separate deficiency ordered to be corrected being deemed a separate order.

(2) A person who repeats the same offenses three (3) times within a twelve (12) month period shall be deemed to have committed a criminal offense for the third offense subject to a fine of five hundred dollars (\$500.00).
Each day that a violation is continued shall constitute a separate offense.

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

(b) If a vacant building permit is denied or has expired and the city deems the property ineligible for said permit, the city shall notify the owner. Within ten (10) days of receiving this notice or five (5) days of the expiration of an existing permit, whichever is later, the owner must provide 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 the time allotted, the owner shall be fined two hundred dollars (\$200.00) per day until such proof is presented. This fine shall be applied in addition to any penalties set forth in subsection (a).

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

(de) Any order issued pursuant to this article shall be recorded in the office where the land records are kept, thereby becoming effective against any purchaser, mortgagee, attaching creditor, lienholder or other person whose claim or interest in the property arises subsequent to the recording of the order. Once the violation(s) is certified to be corrected, such orders shall be removed from the record. All fees, costs, or charges assessed pursuant to this article shall be a tax 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 records are kept.

(e) A vacant unit for which a fee as required in this section has not been paid shall be in violation of the city vacant building ordinance and subject to the penalties set forth herein. In addition, if the enforcement agency determines that a person has failed to pay the fee due under this section, the agency shall mail to such person a statement showing the balance due and shall add thereto a twenty-five dollar (\$25.00) late payment or interest at a rate of twelve (12) percent per year, whichever is greater. That unpaid balance and penalty total shall be subject to interest at a rate of twelve (12)

percent per year from the due date until the date of payment. The charges levied in this chapter shall constitute a lien upon the property and may be enforced within the time and manner provided for the collection of taxes on property.

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.
3/17/2025

Resolution Relating to

ESTABLISHING A VIOLATION REPORTING
INCENTIVIZATION PILOT (VRIP)

RESOLUTION 8.11

Sponsor(s): Councilors Litwin,
McKnight, Traverse, Carpenter,
Shannon, Barlow
Introduced: 01/27/2025
Referred to: _____
Action: Adopted
Date: 01/27/2025
Signed by Mayor: 01/29/25

CITY OF BURLINGTON

In the year Two Thousand Twenty-Five.....
Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, on December 9, 2024, the Burlington City Council amended Chapter 21, Section 1,
2 Article 29, paragraph (e) of the Burlington Code of Ordinances to maintain and advertise an electronic means
3 for the public to submit evidence of violations of the graffiti/public nuisance section; and
4 WHEREAS, in addition to this action, the Burlington City Council tasked its Ordinance Committee to
5 work in collaboration with the City Attorney’s Office and other interested parties to continue reviewing the
6 feasibility of enhanced graffiti enforcement mechanisms that are constitutionally appropriate and comport with
7 other applicable laws; and
8 WHEREAS, due to staffing and resource shortages, the City of Burlington does not have capacity to
9 timely investigate and enforce all municipal ordinance violations, including, but not limited to, those involving
10 graffiti, illegal camping, and other public nuisances; and
11 WHEREAS, in 2018, the New York City Council enacted law 717-A, an idling-reduction law, and
12 specifically incentivized residents to report idling violations through a financial reward equal to 25% of the
13 total fines collected for cited violations;¹ and.
14 WHEREAS, the City of Los Angeles, California enables community members to report graffiti, illegal
15 dumping in return for a financial reward;² and

¹ “A Local Law to amend the administrative code of the city of New York, in relation to civil penalties for idling infractions and enforcement through citizen complaints” Helen K. Rosenthal, Donovan J. Richards, Margaret S. Chin, Costa G. Constantinides, Mark Levine, Annabel Palma, Robert E. Cornegy, Jr., Antonio Reynoso, Karen Koslowitz, Carlos Menchaca, Brad S. Lander, I. Daneek Miller, *New York City Council, File #: Int 0717-2015* (2018). *Key summary: Law proposed by New York City (NY) city council in 2015 to require reporting on idling complaints as well as increase the incentive for citizen enforcement of idling complaints.* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2240465&GUID=2FDAF985-586E-4902-9918-BC683FAACFE8&Options=ID7cText%7c&Search=IDL%NG>
² “Chapter 12 Payment of Special Rewards” *Los Angeles Charter and Administrative Code*, https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-45493

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

ORIGINAL

RESOLUTION RELATING TO

.....
.....
.....

Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

* * * * *

WHEREAS, Houston (TX)³, San Diego and Los Angeles (CA)⁴, and Phoenix (AZ)⁵ all offer cash rewards of \$500+ for reporting graffiti offenders that lead to a successful conviction, usually through online systems or 311; and

WHEREAS, Houston (TX)⁴, and New Orleans (LA)⁶ similarly have various financially incentivized reporting programs designed to assist the city with the task of enforcing ordinances related to various forms of public blight; and

WHEREAS, for local governments and organizations, offering financial incentives can be a cost-effective way to achieve larger social goals, such as reducing crime or improving public spaces⁷; and

WHEREAS, financial incentivization is a well-tested method for increased public engagement, especially in the field of public health⁸, and provides both outlets for those who are passionate about a particular public concern and rewards that can increasingly motivate resident participation in upholding our community standards⁹;

NOW, THEREFORE, BE IT RESOLVED that in considering options for enhanced enforcement mechanisms pursuant to the City Council's directive of December 9, 2024, the Ordinance Committee shall consider and submit ordinance language to the Council to establish a Violation Reporting Incentivization Pilot (VRIP) program in order to increase evidence gathering and reporting for specific ordinance violations using

³ "Wiping Out Graffiti in Houston" *City of Houston TX*, <https://www.houstontx.gov/graffiti/teamingup.html>

⁴ "Spray and Pay Graffiti Rewards Program" *San Diego.gov*, <https://www.sandiego.gov/street-div/services/graffiti/rewards>

⁵ Twitter Post: "Graffiti Free Phoenix", *City of Phoenix, AZ @CityofPhoenixAZ* (02-01-2019), <https://x.com/CityofPhoenixAZ/status/1091365658858786819>

⁶ "Chapter 66, Article V: Nuisance, Division 2, 66-283", *New Orleans City Code*, https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH66EN_ARTVNU_DIV2LI_S66-283REILLIDU

⁷ "Financial Incentives for Whistleblowers: A Short Survey" Giancarlo Spagnolo, Theo Nyneröd, Stockholm Institute of Transition Economics (SITE), SITE Working Paper No. 50, <https://www.econstor.eu/bitstream/10419/249245/1/hasite0050-1.pdf> *Note: While this paper focuses on various forms of corporate or tax crime, the principles are arguably the same. The authors found that, "...if competently designed and properly administered - these programs are very effective at increasing detection and sanctions against corporate fraud, and most importantly at deterring firms from engaging in fraudulent behaviour in the first place. In terms of administration costs, a simple back-of-the-envelope calculation suggests that these programs are also largely self-financing, thereby also saving law enforcement costs."*

⁸ "The Impacts of Financial Incentives on Service Engagement Among Adults Experiencing Homelessness and Mental Illness: A Pragmatic Trial Protocol." Nadine Reid, Rosane Nisenbaum, Stephen H Hwang, Anna Durbin, Nicole Kozloff, Ri Wang, Vicky Stergiopolous," *Frontiers in Psychiatry* (2021, Aug. 3): <https://pmc.ncbi.nlm.nih.gov/articles/PMC8369574/>

⁹ "You can now make thousands of dollars reporting on idling vehicles in NYC" Lee Doyle and Alex Lubben, *Vice News* (2019). <https://www.vice.com/en/article/you-can-now-make-thousands-of-dollars-reporting-on-idling-vehicles-in-nyc/> *Key summary: Article summarizes interviews from several NYC residents who are compelled to report idling vehicles in the city thanks to the new incentive program, as well as for personal reasons that include environmentalism, and improving public health and safety.*

* * * * *

DISTRIBUTION:

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RESOLUTION RELATING TO

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Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

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financial incentivization mechanisms, and the Ordinance Committee shall report back to the City Council on its review along with any recommended ordinance language on or before March 24, 2025; and

BE IT FURTHER RESOLVED that in their review the Ordinance Committee, with consultation from the City Attorney's Office, shall make recommendations for the set amounts or fine percentages that reporters can receive and what would qualify them to receive those funds; and

BE IT FURTHER RESOLVED that any VRIP pilot shall be limited in scope for at least 12 months and may only include the ordinances that address the following: 1) graffiti and defacement or destruction of public property, 2) certain parking violations such as unauthorized usage of handicapped or emergency spots, bus stop violations, bike lane violations, or vehicles that would cause pedestrians to be obstructed from passing or pose an ADA violation; and 3) littering and illegal dumping. The Council authorizes the Ordinance Committee to make proposals beyond this but cautions the Committee to keep any VRIP narrowly tailored and limited in scope to help with future assessment and evaluation; and

BE IT FURTHER RESOLVED that the City Council encourages the Ordinance Committee to also update the City's graffiti definitions to improve the public's understanding of what would and would not fall under that definition.

BE IT FURTHER RESOLVED that the Community Justice Center staff and Board, with consultation from the City Attorney's Office, shall analyze the feasibility of and provide recommendations to the Council on what resources are needed from the City in order to require that those found responsible for violating the graffiti or illegal dumping ordinance engaged in graffiti or related cleanup on public property within the City of Burlington in order to repair financial and communal harms directly to the victim. If the infrastructure and resources are already in place, the Community Justice Center staff and Board should provide to the Council recommendations for what obstructions may exist that the Council should consider and address. They must provide their findings and recommendations to the City Council and Ordinance Committee by March 10, 2025. This should be reviewed by the City Attorney's Office prior to coming before the Council; and

BE IT FURTHER RESOLVED that the Council should commission further study and analysis after 12 months of enacting this policy and provide recommendations for the pilot's future to the Council; and

BE IT FURTHER RESOLVED that the City should establish a mechanism for the public to submit feedback on the pilot throughout the 12-month period, which may be integrated into the previously approved reporting platform or method; and

* * * * *

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..... Mayor

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61 BE IT FURTHER RESOLVED that in any language recommended for the VRIP pilot, the Ordinance
62 Committee shall ensure reports made using the city-established protocols allow for the protection of any
63 reporter's identity to the extent permitted under all applicable federal, State, and municipal laws.

64
65 EL/Resolutions 2025/*Establishing a Violation Reporting Incentivization Pilot (VRIP)*
66 1/23/25

* * * * *

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has been sent to the following
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Ordinance Committee

ORIGINAL

RESOLUTION RELATING TO

ESTABLISHING A VIOLATION REPORTING
INCENTIVIZING PILOT (VRIP)

Adopted by the City Council

January 27, 2025

[Signature] Clerk

Approved Jan 29, 2025

[Signature] Mayor

Attest:
[Signature]
Lori Olberg
Licensing and Records Coordinator

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* * * * *

CITY OF BURLINGTON

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

ORDINANCE CODE VIOLATION REPORTING INCENTIVES

ORDINANCE _____

Sponsor: (Department or Councilor) _____
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:

1 That Chapter 1, General Provisions, of the Code of Ordinances of the City of Burlington be and hereby is
2 amended by amending Sec. 11, thereof to read as follows:

3
4 (a) All fines and penalties for the violation of any ordinance or the order of any board lawfully established
5 thereunder, or the order of any person who has been given lawful authority to issue such order, or the order
6 of the mayor or city council, shall, when recovered, inure to the city, and be paid into the city treasury, unless
7 otherwise directed by the laws of the state or the ordinances of the city.

8 (b) Annually, as part of the city council's budget resolution, the city council may appropriate not more than
9 twenty-five percent (25%) of all fines and penalties collected pursuant to subsection (a) of this section
10 (exclusive of any deductions made by the judiciary or any other public agency responsible for collecting
11 such fines or penalties, and exclusive of any administrative fees to any public agency or other third party the
12 city may be required by law to pay out of any fines or penalties collected by it), to a special fund for the
13 purposes described in subsection (c) of this section.

14 (c) Subject to subsection (d) of this section, the chief of police may, by publication once in a newspaper of
15 general circulation and on the police department's website, offer a reward for any material information that
16 leads to the apprehension of any person who has violated this code and to successful prosecution of the
17 violation. The chief of police may terminate any such offer at any time following the same procedure. Any
18 such offer of reward shall be described as being conditioned on the provisions of this section.

19 (d) No offer of reward pursuant to subsection (c) of this section shall be issued by the chief of police unless:

20 (1) The chief of police finds that adequate funds exist in the fund created pursuant to subsection (b)
21 of this section to warrant making the offer;

22 (2) The chief of police finds that making the offer is necessary or convenient to the efficient
23 administration of justice;

24 (3) The mayor concurs in the chief of police's findings; and

25 (4) The offer of reward applies broadly to one of the following: any violation of this ordinance code;
26 any violation of a specific provision or class of provisions of this ordinance code; or a specific violation of
27 this ordinance code resulting in substantial damage to public or private property, serious bodily injury to any
28 person, or the death of any person.

29 (e) The maximum amount of any offer of reward shall be one hundred dollars and no cents (\$100.00) per
30 informant per violation. The city shall have no obligation to pay a reward to any individual unless the chief
31 of police reasonably determines that the information supplied by that individual was material to both the
32 apprehension of the violator and to the successful prosecution of the violation. The city also shall have no
33 obligation to pay a reward unless and until adequate funds exist in the fund created pursuant to subsection (b)
34 of this section. Rewards shall be paid out of the fund in priority first based on the date the relevant code
35 violation was successfully prosecuted, and second based on the date the individual first provided information
36 to the city.

37 (f) This section is enacted solely in the public interest, and nothing herein is intended to establish a contract
38 with any individual who might claim a reward hereunder.

39 (g) As used in this section, the following terms have the following meanings:

40 (1) "Apprehended" means ticketed, arrested, or otherwise brought within the lawful jurisdiction of
41 the Judicial Bureau or the Superior Court.

42 (2) "Material" means that at the time the relevant information was provided, city employees had not
43 yet discovered the information on their own, and without the information, it is unlikely that the violator
44 would have been apprehended and successfully prosecuted.

45 (3) "Successfully prosecuted" means that the violator has voluntarily paid any penalty or fine without
46 contesting it, or that a final judgment or order of the court has been issued finding the person guilty of the
47 violation alleged.

48 (h) Unless this subsection is later repealed by the city council, subsections (b) to (h) of this section shall be
49 automatically repealed at the end of the second fiscal year commencing after the date of the final adoption by
50 the city council of the ordinance originally adding this subsection. Upon the automatic repeal of subsections
51 (b) to (h), subsection (a) shall cease to be denominated as subsection (a), and shall instead constitute the
52 entirety of this section.

53

54 * Material stricken out deleted.

55 ** Material underlined added.

56

57

58

59

60 ER/Ordinances 2025/Violation reporting incentives

61 3/7/25