



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

9/17/2015

City Council Ordinance Committee

Thursday, September 17, 2015

Conference Room 12, City Hall

MINUTES

Attendance

Committee: Councilors Max Tracy (MT), Sharon Bushor (SB), & Chip Mason (CM) (chair).

Other City personnel: William Ward (WW) (Dir. Code Enforcement)

Staff: Sr. Asst. City Attorney Gene Bergman (GB)

Public: Stefano Cicurello, Casey Roohan

CM convened the meeting at 5:38 pm—CR 12

1. **Agenda:** SB moved the agenda, MT 2d, and the proposed agenda passed unanimously.
1. **Minutes of 8/13/15:** SB moved adoption of the minutes, MT seconded, and the 8/13/15 minutes were adopted unanimously.
1. **Public Forum: None**
1. **Ordinance Discussion**

4.01 Health-Humane Treatment of Livestock, Ordinance Sections 17-11 through 17-72.

CM noted the GB-circulated amendment versions. WW noted that there was a misunderstanding of his proposal to change the threshold at 5 chickens where the registration requirement kicks in. He asked that the number be changed from 4 to 5 and the committee agreed.

SB asked that we harmonize the "humane officer" usage by changing the word in definition of enforcement officer. On 17-18, SB asked what "lethal control" means and if it needed to be defined. WW said further definition was not advisable and that education rather than putting it in the ordinance was advisable. SB was agreeable but noted that there needs to be



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greater guidance on lethal control methods that are acceptable. WW said he'd go back to the group for guidance on educational materials.

SB asked to look at 17-31 (impoundment), which is new. CM walked through the sections. On the impoundment fee, CM asked if \$25 was sufficient. WW felt while \$50 seems more reasonable, it is hard to say at this point, before the process is engaged in. CM felt that \$50 was reasonable. SB is concerned that people won't come to claim animals if the fee is too high. She questioned the ease of selling or giving away the animal. The committee consensus was to go with \$50; it was not too high and more reasonably covered possible staff costs.

SB asked to review the chicken sections. CM noted the new provisions apply to 5 or more chickens. SB asked if there was an issue with burying the enclosure. WW said the focus on being rodent resistant instead of rodent proof was at issue, not the burying depth. SB was satisfied.

SB asked if the animals we've excluded, i.e. horses, would be dealt with on an ad hoc basis because these animals were not seen in the city. CM said that was his recollection of the previous consensus in the committee.

Action: SB moved to approve with amendments (change 17-14 (1) chickens from 4 to 5, increase impoundment fee to \$50, and harmonize the "humane officer" references) and refer back to the CC for second reading with a recommendation to adopt. MT seconded. The motion unanimously passed.

4.02 Health-Regulation of the Slaughter of Livestock and Poultry, Ordinance Section 17-10.

CM said the threshold question is whether or not to regulate slaughter. SB questioned how it would be possible to comply with the nuisance section. WW said the requirements do indicate how hard it will be to accomplish. CM said there are mobile processing facilities. WW noted that slaughtering probably happens now but he is not hearing complaints so it is not being done in a manner that is causing a nuisance to the neighbors. He said this ordinance sets a standard to follow. CM said it is an improvement to what we have now, which is nothing. SB said she'd like, under penalties, that the person would lose the right to raise animals. GB pointed out that there are limits to what the city can do with criminal penalties and that if someone is violating this law, they'd also be violating state and federal laws so there would be other sanctions.

Action: MT moved and CM second to approve the ordinance with technical edits to make it consistent with the husbandry ordinance made by GB, and referred back to the CC for 2nd reading with a recommendation to adopt. The motion passed 2-1 (Bushor no).

4.03 Peddlers and Solicitors – License applications, review, fees, locations, Sec. 23-3, 23-4, 23-6, 23-9, 23-10.

CM explained its long history. He reviewed Jean Poulin's explanation for why the changes are suggested, which generally is to make the ordinances consistent with current practice, administrative needs, and the desire to not have peddlers across from businesses renting on lower Church St.

Stephano Cicurello (Dolce VT Food Truck) asked why they are extending the prohibition on peddlers from Main St. to King St.. CM said that the license committee found complaints were made by businesses regarding competition with peddlers and this was a good way to solve the problem. Stephano said the number of spots for trucks is getting smaller and smaller, and the minute one restaurant complains, another spot is removed. MT said that the problem also related to the chicken peddler and problems with that operation. SB noted that the 30' prohibition of similar wares was also at issue.

MT said he'd like to keep the Main St. locational limit. SB agreed. Stephano said he didn't think carts were a big threat to the established business.

SB asked that the section on photos should not be changed and that photos should be taken within 60 days of the application because people do change. There was agreement by the committee. SB asked to strike the word "business" on



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line 21.

Action: MT moved and SB seconded the approval of the ordinance as amended (striking the change to the photo and Main St. changes and the word business), with a referral to the CC for second reading with a recommendation to adopt. The motion passed unanimously.

1. **Other business.** The next meeting was set for 5:30 pm on Thursday, 9/24/15 to discuss smoking in parks, a reproductive health center access report, plus whatever CM finds on the list that is appropriate. The meeting after that was set for October 21 at 5:30 pm for the meeting after to have a report on the taxi ordinance recommendations.

Adjournment: CM adjourned the meeting at 7:20pm.