

**CITY OF ESSEX JUNCTION  
CITY COUNCIL  
SPECIAL MEETING AGENDA**

Online & 145 Maple St.  
Essex Junction, VT 05452  
Wednesday, May 6, 2026  
**6:30 PM**

E-mail: [admin@essexjunction.org](mailto:admin@essexjunction.org)

[www.essexjunction.org](http://www.essexjunction.org)

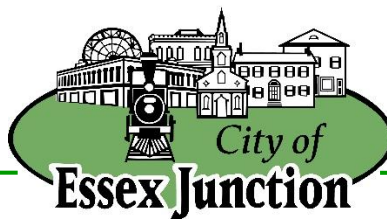
Phone: (802) 878-6944

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

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

1. **CALL TO ORDER** [6:30 PM]
2. **REORGANIZATION**
  - a. Election of President, Vice President, and Clerk
3. **AGENDA ADDITIONS/CHANGES**
4. **APPROVE AGENDA**
5. **PUBLIC TO BE HEARD**
  - a. Comments from Public
6. **PUBLIC HEARING**
  - a. \*Potentially Vicious Dog Bite Hearing
7. **BUSINESS ITEMS** - none
8. **DELIBERATIVE SESSION**
  - a. \*A deliberative session may be needed
9. **ADJOURN**

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



## MEMORANDUM

**To:** City Council  
**From:** Regina Mahony, City Manager  
**CC:** Lt. Courtois and Animal Control Officer, JoAnn Nichols  
**Meeting Date:** May 6, 2026  
**Subject:** Potentially Vicious Dog Hearing

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

### Discussion:

On April 28, 2026, Alison Wermer submitted a report of an incident with a “potentially vicious dog” to the Animal Control Officer. This report was shared with Lt. Courtois and myself. While this incident does not appear to meet the definition of a “vicious dog”, Lt. Courtois and I agreed that the incident and associated dogs appear to meet the definition of a “potentially vicious dog” in the City’s Municipal Ordinance Chapter 5. I then confirmed with the complainant that they indeed were requesting a hearing.

Relevant sections of the City’s Municipal Ordinance Chapter 5 are included here:

503 - Definitions, F. **Potentially Vicious Dog:** shall mean a dog running at large that inflicts minor injuries on a person not necessitating medical attention; chases in a menacing manner, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. A dog shall not be deemed a “potentially vicious dog” if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

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

Also, prior to this incident, it appears the same two dogs in this incident attacked another dog on March 30<sup>th</sup>, 2026. See report attached.

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

- Do nothing
- Do nothing and issue a warning to the dog's owner that stricter measures will be taken for any future incidents
- Require training
- Require a fence
- Ban the dog from public areas in Essex Junction
- Require the dog to be on leash whenever it is outside its home in Essex Junction
- Require the dog to wear a muzzle whenever it is outside its home in Essex Junction
- Require the dog to be on leash and wearing a muzzle whenever it is outside its home in Essex Junction
- Require the dog owner to pay any and all tickets and fines associated with the incident(s)

**Cost:** N/A

**Recommendation:**

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

**Attachments:**

Alison Wermer report and photo

Essex Police Department's Service to the Dog Owner, Kerri McCarthy-Beam

City of Essex Junction Municipal Code Chapter 5 Regulation of Dogs

Rules of Procedure for Vicious and Potentially Vicious Dog Hearings

To the City Council of Essex Junction, a report of a "potentially vicious dog" event.

The encounter occurred at 4:55 PM on Tuesday April 28, 2026 at Summit Street School playground. The victim of the attack was [REDACTED] aged 5 yrs, [REDACTED] [REDACTED] Essex Junction, VT, 05452.

I am [REDACTED]' grandmother, [REDACTED] was leaving the playground on the sidewalk leading to the School Street parking lot. I was leaving the playground via the sidewalk leading to the Holy Family parking lot.

I saw a woman with two dogs enter the playground from the School Street parking lot. One dog was a black lab, about 60# and the other a white and tan pit-bull mix, about 80#. The woman either dropped the leashes or the dogs pulled free. When they saw [REDACTED] they rushed at him, the pit-bull mix jumped on him and knocked him to the ground. [REDACTED] weighs about 40#. He screamed in fright.

The woman began shouting at the dogs to come back, which they did not do. She had to run to them before she could grab the leashes and get them away from [REDACTED]

I started shouting and running across the playground telling her dogs are not allowed in the school yard and to leave. That they had knocked down my grandson. I repeatedly told her to leave.

By the time she had loaded the dogs back to her car my grandson had left the area via the School Street parking lot. He later said he was not injured.

I have a photo of the woman and her license plate. We did not exchange any personal information.

I refer you to ordinance 503: F, 507 and 510. I think all are relevant here.

Sincerely,

Alison Wermer

[REDACTED]  
Essex Junction, VT 05452  
[REDACTED]



Photo submitted by Alison Wermer with Incident Report

Initial Call Information - [Animal - Problem] 03/30/26 10:04 : 38 School St, Essex Junction City, VT

Incident Number: 26ES002059
Call Time: 2026-03-30 10:04:54 -0400
Call Type: Animal - Problem
Primary Ofc.: M396: Welch, Robert
Owner.: 1701: Hulbert, Karen

Call Type: Animal - Problem
Call Priority:
Incident Priority: In Progress
Call Origin: 911
Date/Time of Call: 03/30/2026 10:04
Location of Call: 38 School St, Essex Junction City, VT, 05452

Area: City
Team:
Incident Number: 26ES002059
Owner: 1701: Hulbert, Karen
Incident Codes:
Common Call Type: Animal Complaint

Drugs Involved: No Drug/Alcohol Involved
Alarm Number:
Incident flags: Opiate blocker, Mental Health, DOMV, Cargo theft

Witness List

Person Type: Caller
Name: Bennett, Morgan W
DOB:
Address:
Person Type: Person of Interest
Name: Meredith, Mack J
DOB:
Address:
Person Type: Person of Interest
Name: McCarthy-Beam, Kerri L
DOB:
Address:
Person Type: Neighbor
Name: Carter-Lutz, Marcy L
DOB:
Address:
Phone: 267-496-9975

Responding Officers

Officer name: M396: Welch, Robert
Status: Dispatched, Enroute, OnScene, Cleared
Officer name: M413: Peatman, Nicole
Status: Dispatched, Enroute, OnScene, Cleared

Dispatch Narratives

Hulbert, Karen - Last Updated: 1701: Hulbert, Karen: 03/30/26 10:25
m396 28 kbF275
Hulbert, Karen - Last Updated: 1701: Hulbert, Karen: 03/30/26 10:06

Morgan called 911, his dog was attacked by dog that had a leash on but it was just dragging behind it. the other party is yelling and screaming while trying to get info

MRI#:
NCIC NIC#:
Narrative:
Status: Cleared

*Narrative Type*

Report  *Confidential*

*Officer*

M396: Welch, R

Officer Narrative

On the above date and time, I responded to the area of 38 School Street in Essex Junction for an altercation between three dogs.

Upon arrival, I met with Morgan Bennett [REDACTED], and he reported that he was walking his girlfriend's husky on School Street when two dogs, one possibly a black labrador and the other, a white and brown spotted mixed breed dog, were near him and his girlfriend's husky.

Morgan said that the other two dogs were on leashes, but that no one was holding the leashes. Morgan reported that the dogs came running towards him and his girlfriend's husky, and the black labrador jumped on his girlfriend's husky and was biting the husky. Morgan said that he attempted to separate the black labrador and his girlfriend's husky while the white and brown spotted dog circled him and barked.

Morgan said that there was a black male in his 30s, and a white female in her late 30s/early 40s behind the loose dogs. Morgan said that he asked them both for phone numbers to contact them should his girlfriend's husky be injured. Morgan said that one of them gave him a phone number, [REDACTED], but it was not accepting calls. Morgan reported that the pair said that they only had one phone number between the two of them.

Morgan said that at this point, one of his neighbors, Marcy Carter-Lutz [REDACTED], had walked up, and the situation escalated. Morgan said that Marcy had said some hostile things to the pair, and in response, one of them had threatened Marcy with violence. Morgan provided no further information on the threats made. Morgan confirmed that there was no physical altercation between humans. Morgan said that the dogs and their walkers got into a vehicle bearing VT registration [REDACTED], as seen in the image attached below.

On April 14, 2026, Morgan followed up with me via e-mail asking what further action could be taken, and if I was able to make contact with the owners of the dogs.

Upon review of this case, I realized that Kerri McCarthy-Beam [REDACTED] and Mack Meredith [REDACTED] were likely the individuals involved as on April 18, 2026, I came in contact with them while they were occupying a white Ford Fiesta bearing VT registration [REDACTED]. I knew the pair to match the description of those Morgan described as present at this incident. In the back seat of their vehicle was a white dog with a large brown spot above its right eye. I did further research before responding to Morgan.

On April 27, 2026, I spoke with Morgan via phone and informed him that he could make a potentially vicious dog complaint through Essex Animal Control in accordance with city ordinance. I informed Morgan that an at-large dog is an ordinance violation.

I advised that should this happen again, Morgan should document as much as possible while remaining safe and make a report to the Essex Police Department. I e-mailed Essex Animal Control to make them aware of this issue.

NF

Ofc. Welch

*Offense Suspect    Offense Victim    IBR Victim-Offender*

*V. was LEO            V was LEO Assignment*

*Other ORI*

*Bias/Motivation (anti)*

*LEOKA Narrative*

Chief of Police  
Ron Hoague  
(802) 878-1335

Department Fax  
(802) 878-1340



Dispatch  
(802) 878-8331

Detective Division  
(802) 879-4923

Records Division  
(802) 878-1337

## ESSEX POLICE DEPARTMENT

145 Maple Street  
Essex Junction, Vermont  
05452-3792  
www.epdvt.org

To: Kerri McCarthy-Beam

From: The City of Essex Junction City Council

Subject: Potentially Vicious Dog Hearing

Case #: 26ES002856

Location: 145 Maple Street Essex Vermont

Date: May 6<sup>th</sup>, 2026, at 6:30pm

On April 28, 2026, a Potentially Vicious Dog complaint was filed regarding your dogs, in connection with an incident that occurred on April 28, 2026, at 4:55pm. The location of this incident was Summit Street School playground. The victim of the attack was a 5-year-old child. You are hereby notified of the upcoming hearing and may appear if you wish to provide testimony in response to the allegations made against your dogs.

If you have any questions, you can contact me directly Lieutenant Courtois at 802-876-1433

Served by hand in person to Kerri McCarthy-Beam

  
Signature Date

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

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

**502 - PURPOSE**

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

**503 - DEFINITIONS**

Used in this chapter, unless the context indicates otherwise:

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

- G. **Vicious Dog:** shall mean a dog, which causes or has previously caused bodily injury which has necessitated medical attention by attacking, biting or endangering the safety of a person or other domestic animal on any public or private property, unless the person is trespassing on the property of another animal, was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

#### **504 - LICENSE REQUIREMENTS**

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

#### **505 - FALSIFYING DOCUMENTS**

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

#### **506 - INVESTIGATION OF VICIOUS DOGS**

- A. When a dog has either bitten or inflicted bodily injury to a person while the dog is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Legislative Body for the City of Essex Junction. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation required by subsection (B) of this section.
- B. The legislative body, within seven (7) days from receipt of the complaint, may request the police department to investigate the charges and hold a hearing on the matter. If the owner of the dog that is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.
- C. If the dog is found to have bitten or inflicted bodily injury on the victim without provocation, the legislative body for the City of Essex Junction shall make such order for

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

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

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

#### **507 - POTENTIALLY VICIOUS DOGS**

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

#### **508 - DOG BITES**

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

#### **509 - DISTURBANCE BY SOUND**

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

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

### **510 - RUNNING AT LARGE**

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

### **511 - DOG WASTE**

- A. A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner is in violation of this ordinance.

### **512 - IMPOUNDING—CONTRACTING FOR SERVICES**

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

### **513 - IMPOUNDING—AUTHORIZED WHEN—NOTICE TO OWNER**

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

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

#### **514 - IMPOUNDMENT—RELEASE CONDITIONS**

- A. Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including, but not limited to, boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action, as determined by the enforcement officer and or legislative body in consideration of the violation committed, is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license; verification of certification of current vaccination against rabies; payment of all applicable fines or waiver fees; and proof of satisfactory successful completion of a program designed to improve the owner's understanding and execution of dog ownership responsibilities.
- B. If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) calendar days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the municipality of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization; or, if the City is unable to transfer the dog, it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the City for treatment, boarding and care of the dog for the duration of its impoundment, and any expenses associated with its transfer or humane disposal.
- C. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the legislative body to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the municipal official shall immediately notify the City Health Officer who shall proceed in accordance with the Vermont Department of Health's rules.

#### **515 - UNCLAIMED DOGS—OWNER RESPONSIBLE FOR COSTS**

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

#### **516 - INTERFERENCE WITH IMPOUNDMENT PROHIBITED**

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

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

#### **517 - CONFINEMENT OF ANIMALS**

- A. An owner shall not leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.
- B. Any municipal official may use reasonable force to remove any such animal from a motor vehicle. The municipal official removing an animal shall deliver the animal to a humane society, veterinarian or municipal pound. If the owner of the animal cannot be found, the municipal official shall place a written notice in the vehicle, bearing the name of the officer and the department and address where the animal may be claimed. The owner shall be liable for reasonable expenses, and a lien may be placed on the animal for these expenses. The officer may not be held liable for criminal or civil liability for any damage resulting from actions taken under this section.

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

#### **518 - ENFORCEMENT**

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

#### **519 - VIOLATIONS – PENALTIES**

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

#### **520 - SEVERABILITY**

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

#### **521 - APPEAL RIGHTS**

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

*Approved by City Council on 3/8/2023*

# RULES OF PROCEDURE FOR VICIOUS AND POTENTIALLY VICIOUS DOG HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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


Signed,

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

Andrew Brown

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


Amber Thibeault

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

George Tyler

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

Raj Chawla

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

Dan Kerin