

Town of Proctor

Public Hearing Procedures/Vicious or Potentially Vicious Dog



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PURPOSE. The Selectboard of the Town of Proctor hereafter the "board" is required by 20 V.S.A. § 3546 to conduct a hearing when a dog/domestic pet has bitten a person while the dog/domestic pet is off the premises of the owner or keeper, the person bitten requires medical attention for the attack, and the person bitten has filed a written complaint with the board. The purpose of these rules is to establish uniform procedures for conducting the vicious dog/domestic pet hearings and ensure compliance with Vermont's Open Meeting Law.

A person claiming a dog is a "potentially vicious dog" may file a written complaint with the Selectboard, sheriff, or town manager. The complain shall contain the time, date, and place where the alleged behavior occurred, and 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 Selectboard in conducting its hearing. Upon receipt of the "potentially vicious dog" complaint the Selectboard shall proceed as in the case of a "vicious dog" complaint with the exception that if the Selectboard determines that the behavior classifies the dog a "potentially vicious" the Selectboard may order any protective measures be taken absent the dog being humanely destroyed.

APPLICATION. These rules of procedure shall apply to all vicious dog/domestic pet bite hearings conducted by the board. 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. The board Chair shall conduct the hearing in accordance with the procedure that follows.

PROCEDURE. The board chair or, in the chair's absence, the vice-chair will preside over all vicious dog/domestic pet bite hearings. If both the chair and the vice-chair are absent, a member will be selected to chair the hearing by a quorum of the board prior to the start of the hearing. The chair may make motions and vote on all questions before the board. The chair rules on all questions of order and procedure.

The chair and/or the board by majority vote, 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/domestic pet 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.

The complainant/victim, the dog/domestic pet owner/keeper, and all people offering written evidence shall submit three copies of any documentary evidence to the board. The board will mark all documents submitted with appropriate identifying information.

The board will conduct vicious dog/domestic pet bite hearings in the following sequence:

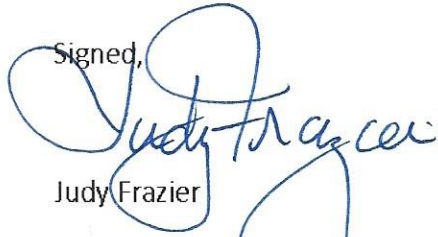
1. Open the hearing by reading the warning/notice of the hearing.
2. Read the complaint received and remind all present that the hearing is (1) mandated by State law (20 V.S.A. § 3546), (2) will be conducted in an orderly manner pursuant to the board's rules and these rules of procedure, and (3) that all statements must be directed to the Chair.
3. Direct the complainant/victim, the dog/domestic pet 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 board.
7. Invite the complainant/victim to present oral testimony to the board.
8. Invite board members to ask questions of the complainant/victim.
9. Invite the dog/domestic owner/keeper to respond to evidence presented; followed by any written information/oral testimony they would like to present.
10. Invite board members to ask questions of the dog/domestic pet 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 board
13. Allow final comments or questions from the complainant, dog/domestic pet owner/keeper, or members of the board.
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 hearing is closed and the board will enter into deliberative session and issue its written decision to the dog/domestic pet owner/keeper and complainant/victim.

DELIBERATIONS The board will then conduct deliberations in private. Following deliberations, the decision of the board will set forth its findings of facts, conclusion of law, and protective order for the dog/domestic pet (if applicable) and will be made in writing and sent to the complainant/victim and dog/domestic pet owner/keeper within 30 days.

These rules may be amended by majority vote of the board.

Adopted by the Selectboard of Proctor, Vermont at its meeting held February 21, 2023

Signed,

A handwritten signature in blue ink that reads "Judy Frazier". The signature is written in a cursive style with large, looping letters.

Judy Frazier

Selectboard Chair of Proctor, Vermont