

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT

CIVIL DIVISION

IN RE: DIANE WHEELER

DOCKET NO. 24-CV-01384

ORDER

The City's *Motion to Vacate Stay of Animal Control Committee Order and for Order Authorizing Impoundment* is GRANTED. The Court's stay of the Burlington Animal Control Committee order dated March 13, 2024 during the pendency of this appeal, including the conditions of stay as outlined in the Court's September 4, 2024 entry order, is VACATED.

The City may lawfully impound Appellant's dog 'Moose' pursuant to Burlington City Ordinance (BCO), Chapter 5, Section 25 for the duration of this appeal and/or until the violations of City ordinance have been abated. Due to the reactive nature of the dog, the local kennel typically used by the City for impoundment is not able to accommodate the dog's needs. Therefore and in consideration of the lack of immediately local options, the City is authorized to impound the dog at Top of the Hill Kennels, 145 McKinnel Road, Highgate Center, VT, 05459.

Appellant is ordered to surrender the dog to the Top of the Hill Kennels or alternatively, the Burlington Police Department for transport, no later than 4:00pm on Friday, September 27. At the request of the Kennel, Appellant shall provide a supply of dog food currently fed to the dog, if any is in her possession, to assist the Kennel in adjusting the dog to the new environment.

If the dog is not surrendered as required, the Burlington Police Department or other law enforcement agency designated by it may retrieve the dog at Appellant's residence or other location where the dog is known to be. Appellant shall make the dog available for retrieval. The City is authorized to transfer the dog to another facility as may be necessary for the dog's care and management during the period of impoundment. The City shall notify Appellant if the dog is transferred to another facility. Appellant shall be responsible for all fees associated with the impoundment as authorized by BCO 5-25, including impoundment and boarding fees, payable directly to the City.

IT IS SO ORDERED.

Dated this ____ day of September, 2024.

Samuel Hoar, Jr.
Superior Court Judge