

VERMONT SUPERIOR COURT

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CIVIL DIVISION

Case No. 25-CV-04044

Shane Bissonette and Kristina Bissonette,
Appellants

v.

Town of Hinesburg Selectboard,
Appellee

DECISION ON APPEAL

RULING ON RULE 75 APPEAL

This case involves a decision by the Town of Hinesburg Selectboard (the “Town” or “Selectboard”) ordering that two dogs that attacked and killed their neighbors’ dog and several chickens be euthanized. Pursuant to Rule 75 of the Vermont Rules of Civil Procedure, the dogs’ owners, Shane and Krista Bissonette, appeal the Selectboard’s decision on the grounds that the Selectboard disregarded controlling law and that the evidence does not support its decision and order for such a drastic remedy. The Town disagrees, and argues the decision should be upheld. Appellants are represented by Attorney Pietro J. Lynn, Esq. The Town is represented by Attorney Kristen Shamis, Esq. For the reasons discussed below, the Town’s decision and order is AFFIRMED.

Factual Background

The following facts are based on the administrative record, which includes documents the Selectboard relied on in making its decision. On July 11, 2025, the Bissonettes’ neighbor, Kate Rugg, provided two sworn statements to the Hinesburg Police Department concerning two different incidents involving the Bissonettes’ two pit bull dogs.¹ According to the first statement, Ms. Rugg was in her back yard on the morning of March 28, 2025, when she heard a “loud commotion” coming from her chicken coop. When she went around to the front yard, she found her dog, Trixie, lying there, dead. She saw the Bissonettes’ two dogs on her property. One of the dogs was inside the chicken coop and the other was circling the coop. She shouted at the dogs to go home, but one continued to circle the coop while the other started to approach her. Ms. Rugg then went inside. The dogs approached Ms. Ruggs’ house, went up onto her deck, and continued circling the house for about another ten minutes before going back home. Once she knew the dogs had returned home, Ms. Rugg retrieved Trixie’s body and brought her to her vet

¹ The Selectboard’s decision refers to these two dogs as the Bissonettes’ “younger dogs.” The record does not describe any other dogs belonging to the Bissonettes. Thus, all references herein are to the two pit bull dogs that are the subject of this action and of the Selectboard’s order.

to be cremated. Upon returning home, Ms. Rugg realized that the dogs had killed nine of her laying hens and had destroyed the fencing around the chickens' outside run. A document from Ms. Ruggs' vet indicated that Trixie died as the result of a "traumatic laceration" that was "approximately 5-6 cm in diameter" on the right side of her neck, "near where the jugular vein and carotid artery would be."

Ms. Ruggs' second statement was based on another incident on July 9, 2025. On that day, the Bissonettes' two pit bull dogs were once again in the Ruggs' yard. Ms. Rugg approached the dogs with bear spray and was able to chase one of them away. The other dog managed to get through the Ruggs' fencing and killed two more chickens, which were replacements for two of the chickens killed by the dogs less than four months earlier. According to Ms. Rugg, after the March incident, the Bissonettes told her that they had reinforced their fence to prevent the dogs from digging underneath it again and had purchased GPS collars for the dogs. Ms. Rugg stated that the dogs have been on their property "numerous times," they have chased their cats, and they "terrified" both her and her husband. She said that they "have taken to carrying pepper spray when we are outside" and "no longer feel safe walking on our property or Dynamite Hill Road in general."

The administrative record also contains a sworn statement by Hinesburg Police Chief Frank Bryan. He stated that after Ms. Rugg provided her sworn statements, he went out to the Bissonettes' residence. The Bissonettes were not home, but Chief Bryan was able to observe a portion of the property that was fenced in. He noticed that a section of the fence was missing in one area that he believed left a space large enough for a dog to get through. Chief Bryan attempted to meet with the Bissonettes about their dogs, but Mr. Bissonette would not answer any questions about the dogs. Chief Bryan then issued two municipal tickets to the Bissonettes, one for dogs running at large, and one for disturbances and nuisances.

Town's Decision and Order

In its Decision and Order, the Selectboard summarized the information described above. The Selectboard stated that it scheduled a hearing for July 17, 2025, and it notified the Bissonettes using the email address they had provided to the Town for communications. The Bissonettes did not appear at the hearing, and their attorney informed the Town that they did not know about the hearing on July 17. Therefore, the Town agreed to void its July 17 hearing and to hold another hearing on July 31, 2025, so that the Bissonettes could attend and participate. Notice of the time, date, and place of the July 31 hearing was sent to the Bissonettes' attorney, who accepted service on their behalf.

Shane Bissonette and Kate Rugg both attended the meeting on July 31 and provided testimony. Mr. Bissonette testified that he believed the Ruggs' dog, Trixie, was running along his dogs' fence, on his property, and was antagonizing them before his two dogs were able to dig under the fence and attack Trixie. He conceded that he did not believe the Ruggs' chickens had entered his property and that the chickens were killed inside their own coop, on the Ruggs' property. Mr. Bissonette said that he had reinforced his dogs' fence at a cost of "thousands of dollars" and that "it has been 100 percent effective." He explained that the second incident on July 9 happened when his daughter was playing in the yard and left the front door open. He

represented that after this incident, he installed spring hinges that shut all the doors in his house automatically and that he was installing gates and fencing “on all porches on [sic] his exterior door.” Bissonette also said that his dogs are outfitted with GPS halo collars that deliver a corrective shock to them if they come within ten feet of the perimeter of their exterior enclosure.

Ms. Rugg testified that Trixie had been on her property when the Bissonettes’ dogs attacked and killed her there. She also said that the Bissonettes’ dogs go onto the deck of her house and stare at her and her husband through their sliding glass doors and “she feels like she is being terrorized.”

The Selectboard issued its written decision on August 25, 2026. The decision reflects that it discussed the public safety issue created by the Bissonettes’ dogs and that confinement of the dogs had been “unreliable.” In consideration of the applicable Town Animal Control Ordinance, the Selectboard issued the following findings, conclusions, and order:

Based on the Complaint, the evidence presented, and the testimony heard, the Selectboard finds that the Bissonette’s [sic] two younger dogs killed nine laying hens and a pet dog on March 28, 2025 and killed two laying hens on July 9, 2025, all considered domestic animals under Vermont law. The two younger dogs are described as: 1) one dog is larger with a large white swath from the ears down the back of the head to the neck, and the body is mostly grey; and 2) one dog with a white ring around its neck, white underbelly, and white on the front and back legs. Although Mr. Bissonette argued that the pet dog may have provoked his dogs, it is not necessary for the Selectboard to decide [if] that were possible. The chickens that were killed by the Bissonette dogs were killed inside of the chicken coop and were not alleged to have provoked the Bissonette dogs. Mr. Bissonette did not deny that his dogs killed the pet dog and the laying hens. Mr. Bissonette has taken steps to attempt to contain the dogs, but his efforts have not been entirely successful. Although the owner argued that he would take all steps necessary to contain his dogs, the dogs successfully evaded containment attempts in the second incident. The owner has also demonstrated a lack of compliance by not licensing his dogs as required under 20 V.S.A. § 3581. Although the Selectboard understands the dogs are considered members of the family to the Bissonettes, the Selectboard must consider the overriding safety interests of other neighbors and the general public. Pursuant to the Town of Hinesburg Animal Control Ordinance, the Selectboard hereby orders that within fourteen (14) days of receipt of notice of the decision, that the two dogs that are the subject of the Complaint be disposed of in a humane way by the owner.

In re: Two Bissonette Dogs, Vicious Dog Hearing Decision and Order, dated August 26, 2025, at 4.

Discussion

“Rule 75 provides for review of ‘action or failure or refusal to act by an agency of the state or a political subdivision thereof, including any department, board, commission, or officer,

that is not reviewable or appealable under Rule 74.’” *Rose v. Touchette*, 2021 VT 77, ¶ 13, 215 Vt. 555 (quoting V.R.C.P. 75(a)). The legislative bodies of towns are authorized to investigate dog bites and are directed to make orders “for the protection of persons as the facts and circumstances of the case may require,” including euthanizing, muzzling, chaining, or confining the dog. 20 V.S.A. § 3546(c). Chapter 193 of Title 20 does not specifically provide for judicial review of selectboard decisions. Therefore, review of the Board’s decision regarding the Bissonettes’ dogs is pursuant to Rule 75. *See Garbitelli v. Town of Brookfield*, 2011 VT 122, ¶ 5, 191 Vt. 76 (“Where legislation is silent as to review, an appeal may be taken under Rule 75.”); *Ketchum v. Town of Dorset*, 2011 VT 49, ¶ 14, 190 Vt. 507 (“[B]ecause the statute in this case was ‘silent on the mode of review’ and did not affirmatively indicate that the selectboard’s decision is final, review by certiorari through Rule 75 provided the proper procedure for appeal to the superior court.” (citation omitted)).

Regarding the process in the Civil Division, where the administrative decision being appealed “was made following a quasi-judicial procedure by a town selectboard in which [a plaintiff] freely participated,” and the governing statute does not indicate a method of review, the court’s role is “simply to determine if there was adequate evidence to support the selectboard’s decision.” *Ketchum*, 2011 VT 49, ¶ 16, 190 Vt. 507 (citation omitted). Thus, when reviewing decisions by administrative and quasi-judicial bodies, the superior court does not “independently weigh the evidence to make its own factual findings. Rather, the superior court on a Rule 75 appeal must uphold factual findings if any credible evidence supports the conclusion by the appropriate standard.” *Turnley v. Town of Vernon*, 2013 VT 42, ¶ 11, 194 Vt. 42. Moreover, the Selectboard’s decision is a discretionary decision, and the Court may set the decision aside only for abuse of that discretion. *Id.* The question is not whether the Court would have ruled differently, “but *whether a reasonable person could have reached the same decision as did the Board based upon the evidence before it.*” *Id.* (quoting *Yoder v. Town of Middleton*, 876 A.2d 216, 218 (N.H. 2005)).

On appeal, the Bissonettes assert that the Selectboard failed to comply with the governing statute and the Town’s ordinance, and that the evidence does not support the ultimate decision. The Court will address each argument in turn.

I. Compliance with 20 V.S.A. § 3546.

The Bissonettes first contend the Selectboard failed to follow the applicable statute because it did not hold a hearing within seven days after receiving Ms. Ruggs’ complaint. This argument is unavailing. Pursuant to Vermont law on the control of domestic pets,

The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid that is the subject of the complaint can be ascertained with due diligence, the owner shall be provided with a written notice of the time, date, and place of hearing and the facts of the complaint.

20 V.S.A. § 3546(b).

Here, the evidence shows that Ms. Rugg filed her complaint with the Hinesburg Police on July 11, 2025, and the Selectboard held a hearing six days later, on July 17. The Selectboard notified the Bissonettes of the hearing by email, which is the method the Bissonettes had selected to receive communications from the Town.² However, the Selectboard decided to void the hearing on July 17 and hold another hearing on July 31 because the Bissonettes failed to attend the first hearing, claiming through counsel that they were unaware of it. Thus, the Selectboard sought to accommodate the Bissonettes and provide them with the opportunity to participate in the hearing concerning their dogs. Accordingly, the Selectboard complied with the statute by holding the initial hearing on July 17, which was within the seven-day-period set forth in the statute. Moreover, the Bissonettes fail to demonstrate any prejudice caused by the second hearing, or other reason to overturn the Selectboard's decision on that ground.

In their Reply, the Bissonettes focus on 20 V.S.A. § 3546(c), which states that municipal officers may order a domestic pet to be euthanized if it bites a "victim" without provocation, which refers to a human victim. *See also* 20 V.S.A. § 3546(a) (stating a complaint may be filed when "a domestic pet . . . has bitten a person"). Because there is no evidence that the Bissonettes' dogs bit *a person*, they argue that the Selectboard has acted beyond its authority in ordering them to euthanize their dogs. However, § 3546(e) provides that a municipal ordinance shall apply if the legislative body of the municipality enacts an ordinance that is inconsistent with § 3546. The Town of Hinesburg has enacted such an ordinance, discussed below, which expressly authorizes the Selectboard to order a domestic pet to be humanely destroyed if it has bitten or otherwise attacked a domesticated animal without provocation. In this situation, the Town Ordinance provides the standard to apply to the extent it is inconsistent with the statute.

II. Compliance with Town of Hinesburg's Animal Control Ordinance.

Article XIII of the Town's Animal Control Ordinance provides, in relevant part:

If the domestic pet or wolf-hybrid is found to have bitten or otherwise attacked a person or other domesticated animal without provocation, the Selectboard may make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is disposed of in a humane way, muzzled, chained, or confined.

The Bissonettes argue that the decision is invalid because the Selectboard did not expressly find that their dogs were not provoked by Trixie before they attacked her. At the hearing, Ms. Rugg testified that Trixie was on her property when the Bissonettes' dogs attacked and killed her. Mr. Bissonette disagreed and stated that Trixie may have "antagonized" his dogs by running alongside and barking at the edge of his fence, which was on his property, before his dogs managed to escape under their fence. While the Selectboard concluded it did not have to resolve this dispute, it was undisputed that the Ruggs' chickens were inside the coop when the dogs attacked and killed them. The Ruggs' chickens constitute "domesticated animals," as used in the

² The Bissonettes take issue with the method of notice used by the Town and appear to rely on an inapposite statute governing Residential Rental Agreements. *See* 9 V.S.A. § 4451(a) (defining "actual notice" required for notices of termination). Such reliance is misplaced.

Town ordinance. *See* 20 V.S.A. § 3541(2) (“‘Domestic animal’ means those animals defined by 6 V.S.A. § 1151(2)”; 6 V.S.A. § 1151(2) (defining “domestic animal” to include “poultry”); *see also* 13 V.S.A. § 351(12) (“Poultry” means meat and egg producing chickens”). Therefore, the Selectboard complied with the Town ordinance in determining that it was authorized to make an order “for the protection of persons as the facts and circumstances” required. Ordinance, Art. XIII.

III. Evidence Supporting Selectboard’s Decision to Euthanize Dogs.

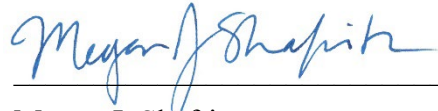
The Bissonettes’ final argument is that the evidence does not support the Selectboard’s ultimate decision that their dogs must be humanely destroyed. The Selectboard considered Ms. Rugg’s sworn statements and the Police Chief’s sworn statement, among other evidence, in deciding how to manage the Bissonettes’ dogs. Further, Ms. Rugg testified that the Bissonettes’ dogs, who had come onto her deck and stared at her through her sliding glass doors, terrified her; that she and her husband did not go out into their yard without carrying pepper spray in case the dogs escaped again and ran onto their property; and she and her husband did not feel safe walking on their property or along the road where they lived. The Selectboard noted that despite Mr. Bissonette’s attempt to restrain his dogs and prevent them from going to the Ruggs’ house after Trixie and the nine chickens were killed, the dogs managed to escape when a child left a door to the house open. In addition, when Police Chief Bryan went out to investigate the situation after Ms. Rugg filed a complaint on July 11, 2025, he noticed a section of fence that was not enclosed and that seemed large enough for a dog to get through, and this was after Mr. Bissonette promised the Ruggs that he would reinforce the dogs’ enclosure. The Selectboard also noted that the Bissonettes had failed to license their dogs, as required by 20 V.S.A. § 3581(a), which the Board found “demonstrated a lack of compliance.”

The credible evidence in the record supports the Selectboard’s conclusion. It is undisputed that the Bissonette’s dogs killed Ms. Rugg’s dog and multiple chickens. It is also undisputed that the attempts to control the dogs following the initial attacks were unsuccessful in preventing them from returning to the Ruggs’ property, killing additional chickens, and terrorizing these neighbors in their own home. It is not necessary for dogs to bite or otherwise harm a human before the Selectboard is authorized to determine that humane destruction is the most appropriate way to protect public safety. Nor is the Selectboard required to explain why less severe measures would be inadequate. The Selectboard considered the Bissonettes’ promises to take additional steps to contain the dogs and their representation that the dogs were considered members of the family. However, the Selectboard weighed these factors along with the credible evidence and determined that “the safety interests of other neighbors and the general public” outweighed them, and humane disposal was required. Decision at 4. In a Rule 75 appeal, this Court does not reweigh the evidence once the administrative agency has exercised its discretion. *See Rodriguez v. Pallito*, 2014 VT 18, ¶ 17, 195 Vt. 612 (noting that, “in reviewing [an agency’s] factual findings, the trial court cannot substitute its judgment for that of the fact-finder in assessing witness credibility, or in assessing the weight of the evidence”). It may only set aside the Selectboard’s decision for an abuse of discretion, which means a reasonable person could not have reached the decision the Board reached based on the evidence before it. *Turnley*, 2013 VT 42, ¶ 11. The Court cannot conclude that the Selectboard abused its discretion based on the facts and circumstances of this case.

Order

For the foregoing reasons, the Decision of the Town of Hinesburg Selectboard is AFFIRMED. The Bissonettes must comply with the Town's decision within 30 days of the date of this Order.

Electronically signed on July 23, 2026 at 5:33 PM pursuant to V.R.E.F. 9(d).



Megan J. Shafritz
Superior Court Judge