A special meeting of the Animal Control Appeal Board was held on Wednesday, June 11, 2008 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:30 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
Al Petrulis, Vice-Chairperson
Patrick Carolan, Secretary
Kathleen Melchert
V. James Viola
Lt. Charles Pappas
PSA Stephen Vaillancourt
Christopher Forsyth, Assistant City Attorney
Pat Gladysz

Resolution to Approve Minutes of March 5, 2008 Meeting

Resolution #AC2008-06-003
Moved by Melchert
Seconded by Viola

RESOLVED, that the Minutes of the March 5, 2008 meeting of the Animal Control Appeal Board be approved.

Yes: 5
No: 0
Absent: None

Agenda Items

1. Carol Schilling and Deb Petersen-Brand, residing at 387 Ottawa, appeal the decision of the animal control officer rejecting the permit for a fourth dog on their property.

Present to answer questions from the Committee were Carol Schilling and Deb Petersen-Brand.

The Chairperson asked PSA Vaillancourt for a report of the situation. He stated that he responded to a complaint regarding too many dogs at 387 Ottawa. He explained the City Ordinance to the residents. He did not issue a citation.

Committee member Melchert questioned if the Americans with Disabilities Act exempted the resident from compliance with this Ordinance. Assistant City Attorney Forsyth stated he could not provide an opinion on this matter without further research.

Assistant City Attorney Forsyth read a portion of Chapter 90 of the City Ordinance:

Duties of Animal Control Appeal Board:

The Animal Control Appeal Board shall:

(a) promulgate regulations regarding dangerous animal permits and domestic animal permits, and

(b) interpret and determine the application of provisions contained in this Chapter as they relate to specific fact situations presented to the Animal Control Appeal Board, and

(c) adjudicate appeals from an Animal Control Officer's decision regarding the issuance or denial of a permit for dangerous animals, domestic animals and wild animals, and

(d) adjudicate appeals from an Animal Control Officer's decision regarding the revocation of a permit for dangerous animals, domestic animals or wild animals.

Mr. Forsyth further stated that in reviewing the definition of "dangerous animals, domestic animals, or wild animals" dogs are not included in those definitions. Thus, he stated that he is uncertain that this Board has the jurisdiction to hear this appeal. This is not an appeal from a dangerous animal permit, domestic animal permit, wild animal; it does not ask for an interpretation of a provision of this Ordinance. This really involves the City Ordinance stating "three dogs" and they want to keep "four dogs". This issue possibly belongs in the Court.

In response to the Board's question, Mr. Forsyth stated the following as options for action:

(1) Grant the appeal, approve their request, and allow four dogs on the property

(2) Deny the appeal based on the fact that the Board lacks jurisdiction to hear the appeal

(3) Deny the appeal based on the City Ordinance

Lt. Pappas stated that he feels that the Board does not have the authority to supersede the criminal infraction.

The appellants made the following statements. The Great Dane "KD" is in training. Also, they have found a possible home for one of the "non-working" dogs in case the Board denies their appeal.

Neighbors that attended the meeting indicated that they understand the need for service dogs. However, they expressed concerns about the number of dogs in a residence and the safety of children in the area due to the size of a Great Dane.

Resolution #AC2008-06-004
Moved by Carolan
Seconded by Petrulis

RESOLVED, that the appeal of the decision of the animal control officer rejecting the permit for a fourth dog at 387 Ottawa be denied.

Yes:	Saeger, Petrulis, Carolan, Viola
Abstain:	Melchert
No:	None
Absent:	None

The next regular meeting is scheduled for September 3, 2008.

The meeting adjourned at 8:14 p.m.

Jayne Saeger, Chairperson

Patricia A. Gladysz, Secretary II