

A special meeting of the Animal Control Appeal Board was held on Wednesday, November 19, 2003 in Conference Room D of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the Meeting to order at 8:06 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
V. James Viola, Secretary
Al Petrulis
Robert Davisson, Assistant City Attorney
Sergeant Robert Kowalski
ACO Greg Latka
Pat Gladysz

ABSENT: Kathleen Melchert, Vice Chairperson
Harriet Barnard

DISCUSSION REGARDING ABSENT COMMITTEE MEMBERS:

Chairperson Saeger discussed the absence of committee members Melchert and Barnard. ACO Latka stated that he received a phone call from Barnard asking that she be excused from the meeting. A phone call was not received from Melchert.

AGENDA ITEMS:

1. Majid Mohamed, residing at 1135 Baker Court, appeals the decision of the animal control officer rejecting his permit for pigeons on his property.

The appellant was not present to answer questions from the committee. A review of the Ordinance determined that the appellant does not have to be present in order for a decision to be made. Sergeant Kowalski noted that Mr. Mohamed appeared at the October 22, 2003 meeting and the appeal was unable to be heard because a quorum was not present.

Chairperson Saeger read Mr. Mohamed's letter requesting the appeal. Sergeant Kowalski noted that one of Mr. Mohamed's neighbors stated he was opposed to the pigeons. This opposition was made at the inspection after the permit application was filed.

The discussion regarding this appeal focused on whether pigeons are considered to be domestic animals. If they are to be defined as domestic animals, Chapter 90, Sections 28 and 28.5 of the City Ordinance would apply:

- 28. Permit Required. Except as hereinafter provided, and effective with the adoption of this Ordinance, no person shall own, keep, maintain or have in his possession or under his control, within the City of Troy, any domestic animal without first applying to and receiving a permit from the City Clerk of the City of Troy to do so. Both the owner and the boarder/keeper must obtain permits if they do not share the same premises. (Rev. 08-06-73)

- 28.5. It is hereby declared to be a public nuisance and no permit shall be issued to any person, farm or corporation to keep or maintain any domestic animals within the corporate limits of the City of Troy, on any lot or acreage parcel smaller than three-quarters (3/4) of one (1) acre. No person, farm, or corporation shall keep or maintain any of the aforesaid animals on any lot or acreage parcel in such numbers as shall be detrimental to the public health, safety or welfare or the humane treatment of such animals. (Rev. 11-19-73)

If it is determined that pigeons are not domestic animals, there is no permit required and no action needs to be taken by this Committee.

A definition of “domestic animal” obtained from the Michigan Statutes was read and a discussion followed.

Chairperson Saeger confirmed that the 3/4 acre requirement cannot be waived by this committee.

Assistant City Attorney, Davisson, advised the Committee that Chapter 90 of the City Ordinance was in the process of being reviewed and revised. A draft should be completed within the next six to twelve months. At that time, the document will be given to the animal control officers and the committee members for their review. When a final draft is complete, it will be presented to City Council for adoption. He also stated that a decision on this appeal would most likely not set precedence.

Resolution #AC2003-11-001

Moved by Viola

Seconded by Petrulis

RESOLVED, that pigeons are considered to be domestic animals as it applies to Chapter 90 of the Troy City Ordinance.

Yes: All-3

No: None

Absent: Melchert, Barnard

Resolution #AC2003-11-002

Moved by Petruilis

Seconded by Viola

RESOLVED, that the decision of the animal control officer rejecting the permit application to allow pigeons on the property of Majid Mohamed, residing at 1135 Baker Court, be upheld.

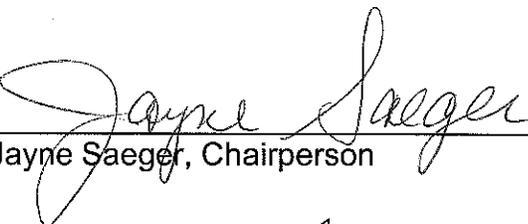
Yes: All-3

No: None

Absent: Melchert, Barnard

The next regular meeting is scheduled for Wednesday, March 3, 2004 at 7:30 p.m. in Conference Room C.

The meeting adjourned at 8:26 p.m.



Jayne Saeger, Chairperson



Patricia A. Gladysz, Clerk-Typist