

City Clerk ✓

ANIMAL CONTROL APPEAL BOARD

JUNE 14, 1995

A meeting of the Animal Control Appeal Board was called to order by Chairperson Harriet Barnard at 7:35 PM on Wednesday, June 14, 1995, in Conference Room B of the Troy City Hall. Mrs. Barnard called the role.

PRESENT: Harriet Barnard
Jayne Saeger
Kathleen Melchert (arrived at 7:45)
Warren Packard
Eric Pearson
Scott Crecelius
Robert Davisson, Assistant City Attorney
Lieutenant John Knechtges
Greg Latka, Animal Control Officer
Laurel Nottage, Clerk-Typist

ABSENT: None

Motion by SAEGER, supported by PACKARD, to APPROVE the minutes of the March 1, 1995 meeting.

Yeas: All (5) -- MOTION CARRIED

New Business

Appeal of Permit Denial - Scott Crecelius of 5446 Falmouth, to keep fewer than six chickens or pigeons.

The Board discussed Mr. Crecelius' request to keep 2 or 3 hens on his property, which is slightly less than 1/2 acre in size. The ordinance requires 3/4 acre. The Board requested an opinion from the Legal Department as to whether it had the authority to grant a variance from the requirements of the ordinance, and whether City Council could countermand the Board's decision. Mr. Davisson said that according to the ordinance that created the Animal Control Appeal Board, it appears that the Board is limited to interpretation and application of the regulations in the ordinance. He will research the matter and report back to the Board at the next meeting. In the meantime, the Board would like Mr. Crecelius to obtain letters from his neighbors stating that they have no objections to the chickens.

Ms. Saeger mentioned that, in the past, people who wanted to keep chickens on less than 3/4 acre had leased a portion of a neighbor's property in order to fulfill the 3/4 acre requirement. Ms. Saeger suggested that Mr. Crecelius explore this possibility with his neighbors.

Motion by PACKARD, supported by MELCHERT, that the Board allow a variance to permit a maximum of six hens, for a period of four years, with an extension for good behavior if applicable, subject to a letter of approval by both neighbors and subject to the opinion of the Legal Department and City Council.

Yeas: All (5) -- MOTION CARRIED

After further discussion, the Board decided to table the motion until they receive an opinion from the Legal Department.

Old Business

Proposed Ordinance Change - Chapter 90, Sections 4 and 12.

At the last meeting the Board voted to support the proposed changes in Chapter 90, Sections 4 and 12. City Council referred the matter back to the Board and the City Attorney for further review. They were requested to examine the ordinance from the standpoint of its being too restrictive to permit citizens from defending themselves against the intrusions of wildlife. The ordinance was also to be addressed in relation to strong cruelty to animal laws and other required restrictions regarding wildlife.

After discussion the Board decided to again support the ordinance change. They feel the ordinance is not too restrictive, and that there are already state and federal laws in force protecting wild birds.

Motion by SAEGER, supported by MELCHERT, that the Board return the proposed ordinance changes in Chapter 90, Sections 12 and 4, to City Council with its recommendation that it is sufficient and proper as it stands.

Yeas: Four (4)
Nays: One (1) (Packard)

MOTION CARRIED

Motion by SAEGER, supported by MELCHERT, to amend her previous motion to include the proposed penalty provision to Chapter 90 (as new Section 35).

Yeas: Four (4)
Nays: One (1) (Packard)

MOTION CARRIED

Adjournment

Motion by BARNARD, supported by MELCHERT, to ADJOURN at 8:45 p.m.

Yeas: All (5) -- MOTION CARRIED

