

Statement from the Charlottesville/ Albemarle Kennel Club.

The Charlottesville Albemarle Kennel Club continues to be fully engaged in promoting responsible dog ownership and respect of our non-dog neighbor's needs for amicable living conditions. We believe the proposed (scheduled for a vote 8 July 2009) needs the following changes if it is to be an enforceable, fair ordinance:

1. Dangerous dog ordinance. The proposed section on dangerous dogs includes stating such dogs cause injury. In the first definition section, injury includes superficial cuts and minor tear to the skin. We suggest this is contrary to common sense and that the term should instead be serious injury (as defined in the proposed changes).
2. The changes to the barking dog ordinance now includes "audible on the complainants property." This term, audible is not defined, and even if it were to be defined, is probably vague and difficult to defend in a court of law. In addition to the term audible, the situation that caused the barking is pertinent. Was there an intruder? harasser? etc... How is the validity of the complaint proven? Ideally, this part of the ordinance should be replaced with provisions for mediation as found in Howard County, MD. (copy below)
3. The new barking dog ordinance is proposed to be extended to rural properties of more than 5 acres. We continue to state our belief that this law is a bad law, forcing our courts to decide emotional cases without objective criteria where both sides of an issue ought to be resolved outside of the courts. To extend this law to large rural parts of Albemarle County counters the whole experience of a rural lifestyle.
4. Exceptions to the Dog at Large ordinance include organized dog events by established groups at which events dogs are expected to be off lead in a confined or well-defined space. Examples are outdoor dog shows, dog sports such as obedience, herding, coursing, agility, tracking, field trials, and carting where dogs are under supervision of their handler and dog event monitors. (This would be added to the existing language about hunting)

Below is a summary of selected requirements of the Hanover County, Maryland Animal Control Laws:

HOWARD COUNTY ANIMAL CONTROL LAWS SECTIONS 17.300 et seq.

- Pet owners must continuously maintain a rabies vaccination for their pets which are 4 months of age or older.
- All dog and cat owners must purchase Howard County annual licenses for their pets. Each pet shall wear the license tag issued attached to a collar or harness. Pets properly tattooed, micro chipped or ear tagged are exempt from the requirement of wearing the license tag.
- A domesticated animal must be on a leash and under the control of a responsible person capable of immediate and effective restraint when not on the owner's property.
- Owners are responsible for removing pet defecation when off their own property.
- A female domesticated animal in heat must be confined indoors or in a properly ventilated building or other secured outdoor enclosure.
* Spaying/Neutering is not required, but is highly recommended *
- Owners are responsible for preventing their dog from barking to the extent that it disturbs neighbors.
- Pet owners must remove an accumulation of defecation from their property to prevent annoying odors.
- Owners must prevent their pets from disturbing garbage placed for disposal or chasing vehicles.

- Animals must be provided with proper drink, ventilation, shelter, shade, protection from the elements, sanitary conditions, veterinary care and nutritious food in sufficient quantity. Fencing must be properly maintained.
- Wild or exotic animals are not permitted as pets. Included in this category are the offspring of a domesticated animal bred with a wild or exotic animal.
- Domesticated animals must not be permitted to threaten the safety or welfare of other domesticated animals or persons. Domesticated animals are considered to be exhibiting threatening behavior when they endanger the life or health of another domesticated animal or person, attack a domesticated animal or person, or otherwise molest and interfere with a person's freedom of movement in a public place.
- Humane animal traps must be properly used and checked frequently throughout the day.
- A person may not poison or abandon a domesticated animal and may not cruelly kill, deliberately injure or torment any animal.
- Encouraging animals to fight, raising animals for fighting or participating in animal fights are not permitted.
- A person who injures or kills a domestic animal while driving must stop, if safety permits, and render such assistance as is practical. Notify Animal Control immediately.
- No person may interfere with an Animal Control employee in the performance of his/her duty.
- Violators of the Animal Control Laws may be subject to civil monetary penalties ranging between \$25-\$500, criminal penalties, including incarceration, pet impoundment, and/or mandatory appearances before the Animal Matters Hearing Board.

THE AFFIDAVIT PROCEDURE

A citizen who has personally observed a violation of any provision of the Howard County Animal Laws may wish to file an affidavit. An affidavit is a sworn statement that a violation has been witnessed. An affidavit form may be obtained from the Animal Control Division. After completion by the witness (A complainant), the form is notarized and returned to the Animal Control Division. Once the affidavit is filed, the alleged violator is, in most circumstances, assessed an appropriate monetary penalty through issuance of a civil citation. The affidavit accompanies the issued citation. An affidavit may not be filed anonymously. The complainant must be identified by name, address and telephone number on the affidavit.

THE APPEAL PROCESS

The recipient of a citation issued by an Animal Control Representative as a result of an affidavit may elect to appeal the citation. The recipient (Appellant) must contact the Animal Control Division in writing within fifteen (15) days after the citation is issued, indicating his/her intent to appeal. The Animal Control Division then schedules a hearing before the Animal Matters Hearing Board.

THE ANIMAL MATTERS HEARING BOARD

The Animal Matters Hearing Board (AMHB) has as its members seven (7) Howard County Residents appointed by the County Executive and confirmed by the County Council. The AMHB meets to hear cases involving alleged violations of the Howard County Animal Control Laws. Once cases are heard, board members render a decision to uphold, modify, or reverse an imposed penalty. The Board may also recommend or order measures to abate further problems or complaints. The AMHB notifies the appellant of their decision after thirty (30) days of the hearing. Any complainant or appellant who is aggrieved by the decision of the AMHB may request in writing, within thirty (30) day, a hearing before the Howard County Board of Appeals.