

**Board of Health
Tuesday, December 3, 2013
Council Chambers**

Members Attending: B. Hospidor, J. Seidel, J. Dethoff, J. Wong, K. Schorn
Others Attending: S. Katzenmoyer, J. Orrs, A. Rudy, J. Meinhart

Dr. Dethoff called the meeting to order at 4:05 pm.

A quorum was present.

Approval of Minutes

Motion was made by Ms. Schorn, seconded by Dr. Wong, to accept the November 5, 2013 minutes as written. Motion carried unanimously.

Health Officer Report

Mr. Orrs distributed the monthly report. He stated that employees received free flu shots in the month of October.

Dr. Dethoff questioned when the tattoo inspections would begin. Mr. Orrs stated that he was unsure and would follow up.

Dr. Dethoff questioned if restaurants are aware of their inspection date/time. Mr. Orrs stated that they are informed when the inspection will take place. The Board disagreed with this practice.

Dr. Wong questioned if the tattoo establishments involved in the process have registered. Mr. Orrs stated that he was unsure.

Animal Control Legislation

Dr. Dethoff stated that the Board should have received the City's current animal control regulations via email.

Dr. Wong stated that section 141-203 addresses nuisance animals. He questioned why the limitation was necessary. He stated that animal maintenance is also already addressed.

Mr. Coleman arrived at this time.

Dr. Wong stated that all issues seem to be addressed except the number of pets allowed.

Dr. Dethoff agreed and stated that this is the crux of the issue before the Board. He stated that without a limitation a person can own 20 animals. Dr. Wong stated that this may be unwise but is not necessarily unhealthy.

Mr. Meinhart noted the need for a larger deterrent and a penalty for the property owner. He expressed the belief that adding a limit is valuable to enforcement. He stated that those who have less than the limit may also be unhealthy.

Dr. Dethoff questioned what number the limit should be set at. He stated that the Board wants to ensure that a limit is helpful.

Ms. Rudy stated that the District Attorney's office will not issue search warrants for animal issues for her if she investigates a complaint and knocks on the door.

Mr. Coleman stated that he has been researching the issue and noted the City's Property Maintenance Code (PMC) section 305. Mr. Orrs stated that PMC section 305.1 is what is currently used for animal complaints.

Mr. Coleman stated that citations for this section can be levied against the tenant. Mr. Orrs agreed and stated that this is the only section of the PMC that can be levied against the tenant. All other citations are issued to the owner.

Mr. Coleman suggested that if the tenant is cited under this section, the owner be informed that the tenant is unsanitary. He stated that if the landlord is cooperative, the issue can be handled more quickly. He suggested that if there is a second offense on the same tenant that the owner also be cited. Mr. Orrs stated that this is not currently done.

Ms. Rudy stated that the process is different and more difficult for owner-occupied properties.

Dr. Dethoff questioned if the limitation can only be applied to rentals if it would still be helpful. Ms. Rudy stated that it would be helpful as most complaints are against renters.

Mr. Coleman stated that the Board must also consider a per property or a per unit limitation. He stated that a row home that has been converted into three units may have up to 18 animals if it is per unit. However, he stated that a per property limitation on multi-unit properties would be difficult to defend in court.

Dr. Dethoff stated that this issue should not be addressed if the limitation is not useful.

Mr. Coleman suggested meeting with solicitors of other municipalities who have a limitation.

Ms. Rudy expressed her belief that a limitation would be useful. It is an additional tool.

Dr. Dethoff questioned if animals are addressed in lease agreements. Ms. Rudy stated that they are but that many agreements are violated.

Dr. Dethoff expressed the belief that those living in owner occupied properties are more responsible.

Mr. Coleman suggested using the registration. He stated that if a complaint is filed and the limit exceeded that there be a fine. He stated that exclusions would also be difficult to defend.

Dr. Dethoff stated that the Board should also have received the State Cost of Care legislation. Ms. Rudy stated that the legislation states that if the cost of care for seized animals is not paid, the owner forfeits the animals. She expressed the belief that the cost of care legislation is unconstitutional.

Dr. Dethoff stated that if a limit is set, there must be some type of appeal. Mr. Coleman suggested that if a complaint is filed and the animals exceed the limit, the citation will be filed and the animals must be registered. He stated that if the citation is cleared there is no further action. He stated that if

the citation is not cleared, the registration must be completed and an additional penalty will be added. He suggested that there be an escalating scale of penalties for repeat offenders.

Dr. Dethoff suggested that this process and main points of the legislation be prepared by the next meeting. He stated that it does not have to be formal and in legal language but a place to begin reviewing options. Mr. Coleman will have this prepared.

Mr. Coleman expressed the belief that the greater issue is the care of the animals and not the removal of animals.

Ms. Rudy stated that the Animal Rescue League removed a calf from the 300 block of Moss St this past weekend.

Dr. Wong questioned how she learned about the calf. Ms. Rudy stated that a neighbor complained.

Next Meeting

The next meeting of the Board of Health will be Tuesday, January 7 at 4 pm in the Penn Room.

The meeting adjourned at 4:36 pm.

*Respectfully submitted
Shelly Katzenmoyer
Deputy City Clerk*