

VOLUSIA COUNTY ANIMAL CONTROL

ADVISORY BOARD HOBBY BREEDER WORKSHOP

FEBRUARY 28, 2018

PRESENT: CATHY DRIGGERS  
KAREN K. CLARK  
JESSICA RODRIGUEZ  
ALEXANDER PENALTA BY PHONE

DEE FERGUSON, VCAS FIELD SUPERVISOR  
LAURA STIWINTER, VCAS STAFF ASSIST

The meeting was called to order at 1:12pm.

Cathy Driggers: The purpose of this workshop is to go over the Hobby Breeder License. There are some suggestions. We actually have gone through it all and made changes that had been approved by the board to take it to zoning and also to council. But, we wanted to get thought zoning first and there was a change in who was in charge of zoning and changes on the board. So, we just decided we would just go through the whole thing again.

Alexander Penalta joins meeting via phone conference call.

Mrs. Driggers recaps what the meeting is in reference to.

Mrs. Driggers asked if Mr. Penalta has the ordinance in front of him, giving guidance on where to find the ordinance on volusia.org web page under animal control. (see attached)

Mr. Penalta finds information on web page.

Mrs. Driggers: If you move over to page two. The part we were talking about; changing first was the zoning. By taking the portion that is in the zoning ordinance related to the zone requirements to be a hobby breeder. That is the part we were wanting to remove from zoning pertaining to hobby breeder altogether. So, it would just be under animal control and not under animal control and zoning. Any questions on that part from anybody?

Go onto the next page. Under paragraph 3, it says permitted animals and identification of animals: "There shall be only one species and one breed of either dog or cat breed or kept at any individual licensed hobby breeder facility". We were wanting to strike "or kept" from the second sentence. The way it is worded makes it seem like you can only have one breed even if you have a pet.

Mr. Penalta: What is the purpose of that paragraph? Is the purpose of the paragraph to keep from having a puppy mill breeding all different types of breeds?

Mrs. Clark and Mrs. Driggers agrees.

Mrs. Driggers: We're okay with saying "bred", just not with "or kept". Because, by saying "or kept"; it's interpreted as you can only have one. What they want to say is you can only breed one. But, you can breed one and have a pet of a different breed or species.

Mr. Penalta: Right. What happens if you have a parrot and a cat and you breed English Bulldogs? And, have horse. That does not make any sense.

Mrs. Driggers: Right, it doesn't. When I read this; because I have a mixed breed that was a pet and breed Pomeranians. I took this to Joey Alexander, who was the vice chair at the time for Volusia County. I asked her about it. She said surely that is not what they mean. Then we called the attorney for the county and he said surely that is not what they mean. It is interpreted that you could still have your six pets of whatever. But, I said that is not what it says. They probably did not think that through when they wrote it back in the 1980's. But, I would rather it say what you mean and mean what you say.

Mr. Penalta: Right. If language is subject to interpretation then it is poorly written. You don't want to have to force a breeder to spend a hundred thousand dollars to define a statute. Every judge is different. I agree with you, that that needs to be specific.

Mrs. Clark: Should they actually strike that "or kept"? Is that a good recommendation?

Mr. Penalta: Yes, if the purpose of that paragraph is to maintain the integrity of show breeders and breeders of quality animals and to avoid puppy mills where there are multiple species. That would be punishing any specific breeder of a specific breed if they live on a farm and have a dog, a cow and a chicken. What does that have to do with breeding your dogs? The fact that you have multiple other species or animal on your property, providing it's zoned for it, you should not be punishing the breeder of a specific breed.

Mrs. Driggers: Ok, so we will keep with that. In the same paragraph.

Mr. Penalta discusses how a judge determines what is the purpose of legislative intent. That he grew up in a home that breed and showed specific dogs and that there is a big difference between Westminster breeders and these puppy mill breeders.

Mrs. Driggers discusses that these changes were unanimous with the previous board.

Officer Ferguson: Are you willing to rewrite it Mr. Penalta?

Mr. Penalta states he thinks striking that language out is all that's needed to clarify and removes argument.

Mrs. Driggers: Most of these changes are just housekeeping and are pretty good changes. The third paragraph towards the end says "an implant scanner must be on the premises if using an implant device". That was in there before animal control had their own scanners. Terry Sanders was here at one of meetings and suggested to eliminate that sentence as it causes a hardship. When I bought mine it was \$250 to \$300 dollars. That was one of the things we thought we could make a little easier for people to become legal. If they did not have to pay for a scanner now that our officers actually have a scanner.

Mr. Penalta and Mrs. Driggers discuss what a scanner is and why it was needed in the past.

Mr. Penalta: Anything we can do to reduce the cost, breeders already have enough with the overhead.

Mrs. Clark: So, we just eliminate that whole sentence; "an impact scanner must be on the premises if using an implant device". That whole sentence can be struck.

Mr. Penalta and Mrs. Driggers agree.

Mrs. Driggers ask if there any questions in the room on this subject. No further questions.

Mrs. Driggers: Moving on to the next page. There is a personal pet exception, where it does tell you that you can have personal pets.

There is a discussion about the number of pets. Mrs. Driggers thinks it is 6 from a council meeting.

Officer Ferguson discusses that zoning states 4-5 pets for residential under 1 acre, up to 8 under 5 acres, and up to 12 over 5 acres. Mrs. Driggers will look up at a later date.

Mrs. Driggers: I have no changes on the rest of these pages.

Mr. Penalta's call is dropped.

Mrs. Driggers discusses distance of animal facility dog runs and adjoining properties.

Officer Ferguson: That is in place because of the smell and barking.

Mrs. Driggers agrees.

Mr. Penalta calls back.

Mrs. Driggers: I don't see any more highlights for changes from last time.

Mrs. Clark: Won't we try to take away some of the duties from the zooming department and putting it on animal control?

Mrs. Driggers states that is what we have been discussing. The portion in animal control that says "per zoning" would have to be struck.

Mrs. Clark: The other concern was the size of the animals and the size of the properties. How many can you have?

A discussion about larger dogs require more room and have larger sanitation requirements.

Mrs. Driggers: Where it has toy breeds 15 dogs, standard or large breeds 10 dogs, and cats 25. We did talk about that in defining what is small and what is large.

Officer Ferguson: Well small would be your toy breeds.

Mrs. Driggers discusses that a lot of the breeders cannot be legal due to zoning compliance. Their facility is their home and everything else is in compliance. The breeders that are not following any of the rules will not even try to be legal. But, the ones that breed responsibly and only violation is zoning will become legal.

A discussion that animal control is trained to determine size when they are on location.

Officer Ferguson: We would go by pounds. Anything over 50lbs would be considered large. Anything under 20lbs would be considered small. Anything between 20lbs and 50lbs is medium.

Mrs. Clark: They have that type of notice up at the dog parks.

Mrs. Driggers: May put one in the middle for medium may be necessarily want to add. Any thoughts on that?

Mrs. Clark: Is it easier for animal control to have a category for medium?

Officer Ferguson: No, not really. It says standard or large breed.

Mrs. Driggers discusses that some dogs look big but when shaved are lighter. Getting too detailed may make it more difficult.

Mrs. Driggers: I am fine leaving that. Then all we have to do on the others is look up and see if there has been any changes on the numbers. As far as a letter to zoning, that was emailed out. Did you get a chance to read that Alexander?

Mr. Alexander: The zoning letter? No.

Mrs. Driggers reads the original letter sent to Mr. Walsh. (see attached) This letter will need to be sent to the new responsible person in zoning.

Mrs. Driggers: I would like to have the letter ready for the meeting next week and get the board to vote on it. Does anybody have anything they would like to add? Would you like it emailed out again?

Mrs. Clark: Yes, that would be good. Then they can look at the revised version and other people would be able to add in case. So, we can make sure it is all done by the meeting on the 14<sup>th</sup>.

Mr. Penalta: Do we have to have a zoning representative there. Because that is a lot of power and discretion. If that one person has been trained by the extreme groups that exist, they may be slanted against the hobby breeders. They are going to exercise that power in a way that's going to be adverse to the whole intent behind facilitating hobby breeders in Volusia County.

Mrs. Driggers: What would be your suggestion? As it is now . . .

Mr. Penalta: My suggestions is to take out the zoning all together. Don't have a zoning requirement.

Mrs. Driggers: That is what we are trying to do. Take out the zoning all together.

Mrs. Clark: One of the things that Cathy said at the beginning was to take out the zoning classifications.

Mr. Penalta discusses his concern with certain groups against hobby breeding and human maintaining animals.

Mrs. Driggers: That is what we are trying to do, is to get no zoning at all in the Hobby Breeder Ordinance. I will send this out and want to move on this. We have been sitting on this for a long time. I will send this letter out. I will also attach the changes as we would have them. Then they can be voted on. I will not be at this meeting. I just want to make sure that this gets going.

Mrs. Clark: Once we approve this on the 14<sup>th</sup> at our meeting. Everyone should approve because, everybody was on board. At that point animal control, Sergio or Dee, would ok it. Then it can go to county council. Or, is it better to just call some people on the county council that are also aware of this so we can fast track it?

Mrs. Clark: I think we can address that after the meeting.

Mr. Penalta: Well it never hurts to call someone that is going to rule favorable and can facilitate. Rather than rolling the dice and seeing, if on the day of decision making, if it will pass or not.

Mrs. Driggers: Right. We need to get it through zoning first. Once we go to the council; that would be a good time to call. We can find out who is on the zoning board. The one that is head of the zoning will have to take it to their board and get it changed. We can't make that change of removing that ordinance.

Mrs. Clark: Once it gets to that certain point, when we get that letter that's finalized. The zoning board has meetings. Like all the other county council groups, they do allow people a couple minutes ahead of time to at least state something that could be coming down the pike. Then we could watch their faces and see which ones we got to work on. Letter writing works out.

Mrs. Driggers: Are there any other questions about this?

No more questions.

Meeting Adjourned