

Sep. 14, 2007

Animal ordinance would require annual inspections

By MARK WAITE
PVT

There was some horse trading going on among the ad-hoc animal committee members over the last four months, but in the end they hammered out a proposed zoning ordinance most animal owners might support. It passed the Pahrump Regional Planning Commission Wednesday.

The fur was flying last May, however, when the original proposal was kicked back to the RPC by the Nye County Commission. It was criticized for requiring minimum one-acre lot sizes for large animals; defining many family ranches as commercial operations if they sold horses; defining exotic animals; creating setbacks from neighboring property; even raising complaints over violations of the Fourth Amendment in allowing code enforcement officers to enter property.

The motivation for the ordinance stemmed from controversies over animal rescues, including FLOCK, the cat rescue operation shut down during a highly-publicized event in July.

"The hassle over those cats might have been avoided completely, because there would have been a standard in place," RPC Chairman Mark Kimball said.

The ordinance draft doesn't require conditional use permits for existing animal organizations, providing they allow inspection of the animals and their habitat annually by a permitting agency or a nationally or regionally established organization.

Pahrump resident John Koenig criticized the fact even people grandfathered as existing businesses have to comply with annual inspections. Kimball said that's to prevent a situation where a rescue service currently exists that cares for say, 50 or 60 dogs, may be well meaning but lacks the resources to care for the animals properly.

"The time has come for the Pahrump regional planning area to move ahead with some kind of common sense legislation and it is still based on reasonable guidelines for reasonable activities," he said. "People have a right to own and enjoy animals. Animals have a right to be taken care of properly. The general public has a right to know that things are being done correctly and that the public safety and welfare is being considered."

Exotic animal owner Zuzana Kukol, however, disagreed with Kimball's assessment that the regulations were reasonable, requiring "special condition" animals -- which takes in

creatures ranging from gorillas to kangaroos -- to be registered with the Nye County Animal Control office and require annual inspections.

Kimball went out of his way to praise the security at Kukol's home, which uses double fencing and other precautions, in a remote location of Pahrump Valley.

Scott Shoemaker, Kukol's partner, felt the conditional use permit allows inspectors to add any conditions they want.

Kukol also felt the committee bent over backwards for the horse owners, not requiring annual inspections for a "family ranch." That includes a property with a single-family residence that may include riding schools, a private arena, breeding, schooling, training, grooming and therapeutic riding for personal use, remuneration or exchange for not more than 30 students or clients per month and not more than three at any one time.

Jim Hannah, a horse owner and committee member, said, "We reached out to every segment of animals.

"I don't think anybody here wants to see another FLOCK situation. We're going to have to do something to get in front of not just the rescues but also the rest of the animal situations here. We got way more animals here than anywhere else I've ever heard of," Hannah said.

Kimball defined a family ranch as "a semi-commercial" organization, defined by the number of students, which is distinct from a primarily commercial operation. Hannah said keeping someone else's horse, as well as buying and trading horses, is part of horse culture.

Yvonne Smith thanked the committee for taking into account the 4-H programs. She added possible future owners of exotic animals need to be regulated.

"We aren't going to make everyone happy with this law, there are a few little things that need to be tweaked," she said.

Eileen Hart-Crawford, owner of K-9 Kastle Bed & Bone, a committee member, supported the ordinance but added, "If there's going to be regulations for animals, then it should be for all animals, not just some."

The committee, however, tackled only zoning issues related to animals in Nye County Code Title 17. A real cat fight could erupt over revisions to Title 6 of the Nye County code, which pertains specifically to animal control.

But Nye County Animal Control Officer Tim McCarty said, "The work that they have done is going to make our work easier. They more clearly defined the ordinance and removed a great deal of the gray area."

The ordinance doesn't require annual inspections for residential kennels, defined as facilities with six to 10 dogs or cats for personal pleasure and not for remuneration or breeding. It excludes special service dogs like seeing-eye dogs.

Diane Davis, who operates a horse rescue, said horses shouldn't be targeted under the bill, as they don't show up at animal shelters because of an overabundance.

"We have a much bigger problem with dogs and cats than we do with horses. Yes, we have breeders who do sell. I myself am one of them. But when we sell a horse, we barely make back what we put into that horse," Davis said.

Brent Jones, Nye County director of emergency services, added a bit of Abraham Lincoln philosophy: "Nobody will ever agree 100 percent with whatever we do, but we are striving to make it a better and safer community."

While the ordinance passed with less uproar than usual among animal owners, a few audience members shook their heads when RPC member Norma Jean Opatik asked if the county would have the capability to police the ordinance.

The bill will be forwarded for consideration to Nye County commissioners next Wednesday.