

The Honorable Thomas McMahon
815 Washington Street
Reading, PA 19601

July 30, 2009

Dear Mayor McMahon,

I am writing on behalf of the Humane Society of Berks County to express our organization's concerns regarding the proposed changes to Reading Animal Control Ordinance. We hope you will take both our general and specific concerns seriously before making a decision to sign the proposed ordinance as it is currently written, in the event it is passed by City Council.

Our general concern is that the problems of poor pet ownership and public health and safety that the ordinance reportedly seeks to address through the proposed permitting and inspection regime for those with seven pets or more and the increased permitting hurdles for those with non-traditional and exotic pets are problems for which there are currently many remedies available through current Pennsylvania law and Reading ordinance and regulation. Research and Reading's own local history have shown that thorough enforcement of existing law, ordinance and regulation can make a significant positive impact for a wide variety of these problems.

We also question whether police or police designate searches of a property in order to simply obtain a permit to have more than six animals (which are considered private property under law), when there is no evidence of violation of law, ordinance or regulation, is appropriate, fair or constitutional. We believe such an over reaching inspection process will only penalize or burden those least likely to be "problem pet owners".

We also have two specific concerns with the exact wording of the proposed ordinance which we believe will place an immediate and unreasonable burden on both our mission and our business practices. The redefining of "Animal Shelter" to exclude any organization except those either providing animal control and euthanasia services to the City or receiving the Mayor's designation (and perhaps obligation to do so) is unreasonable. Our Lindy Scholar Center for Animal Welfare is quite clearly an animal shelter, and served as such for the City through our animal control and euthanasia contract for decades, and continues to serve as a repository for stray and unwanted pets from City residents by the thousands, annually. Although it is reportedly not the intention of Council to apply the permitting requirements to us, there is no reading of this definition change which would not obviously exclude us from being defined as an animal shelter.

The second specific concern is the newly inserted definition of "Person" as an individual *or* corporation, foundation, trust, etc. Given the striking of "humane society" from the definition of "Animal Shelter", this would clearly make our Reading facility, part of a 109 year old non-profit corporation, a "person" and subject to the pet limitation. This would effectively put us out of business, as well as make our State authorized cruelty law enforcement work impossible, unless we applied for a "pet permit" under the new permitting and inspection regime.

Since this would involve both the unreasonable burden and penalty I already described above, as well as the potential for placing our organization under the direct control of Reading's Animal Control Board, chaired by a representative of a competing non-governmental organization, and under inspection by that competing organization, this change in the ordinance constitutes a massive conflict of interest on the part of the City's Animal Control Board, at best, and is potentially damaging to our organization's ability to operate, at worst. As our kennels are already under regulation of the Department of Agriculture, our veterinary practices are already subject to the Pennsylvania Veterinary Board, as well as our operations and animal care being subject to the laws of the Commonwealth, making us subject to the inspection and approval of a non-governmental, non-elected entity with a significant conflict of interest is not acceptable.

We trust that these changes were oversights and will be removed in the event of any changes to the existing ordinance. We would truly appreciate being notified by your office if there is an intention to pursue these changes without addressing our serious concerns.

Many thanks for your time and attention and thank you for all your hard work on behalf of the animals and people of Reading.

Sincerely,

Karel I. Minor
Executive Director

Cc: Lee Pickett, VMD, President, Board of Directors, Humane Society of Berks County
J.D. Krafczek, Esq.