

Sussex County “Conditional Use Permit” for Kennels

In early September, the VaHDA happened to stumble across a comment on speeddogs.com from a fellow hound owner who was asking questions about the requirements of “Conditional Use Permits” for building a kennel. Upon investigation it was found that certain Sussex county officials had implemented a policy that required all new kennels owners to, purchase a “CUP” in order to build a kennel on their property. The cost of the “CUP” was approx. \$500 and additionally it required the Board of Supervisors to come to requestor’s property and inspect and approve the location. With their approval, the “CUP” would be issued with the provisions that the kennels would be susceptible to kennel inspections at anytime without notice. If the inspections did not meet to expectations, the “CUP” would be revoked and the dogs could be seized. This would eventually lead to a court case, a resubmitting for a new “CUP” and the reimbursement of funds to the county for providing care for the seized dogs.

The VaHDA felt it could help out and made contact with the couple who had posted the question on “Speeddogs”. In the beginning, our involvement was focused on doing what we could in order to get the “CUP” approved so the kennel could be built. Phone calls to several Sussex County board members left us with the feeling that the “CUP” would be approved with no problems.

At the October, Board of Supervisors meeting Supervisor Eric Fly raised questions and challenged the legality of the ordinance. There was no recollection of where the ordinance came from or when it was ever approved by the supervisors. The issue was tabled for 60 days allowing the county administrator to provide evidence that the ordinance was in fact legal. At this point, the VaHDA jumped into this case with both feet. VaHDA board members Kirby Burch and Jim Hackett started working on the problem. In the weeks to follow, they conversed regularly, shared the information that each had gathered, and brainstormed a plan on how this issue should be handled.

Local clubs had passed the word throughout the county and a meeting was held at the local fire department on November 4, 2010. Over 90 concerned hunters and kennel owners showed up. In addition, County Supervisor Wayne Birdsong, the head of County Planning Lafayette Edmonds, the County Treasurer and the VaHDA state Chairman, Jim Hackett attended. The “CUP” policy was printed on fliers and handed out to those in attendance. Mr. Edmonds explained the requirement and answered questions from the audience. The treasurer expressed his disagreement with the policy stating that it was improperly worded and should be changed. Mr. Birdsong’s opinion was in agreement with the VaHDA. Not only was the basis of the ordinance being challenged but it was a violation of our freedoms. Mr. Birdsong expressed the importance of showing up in force to oppose the “CUP” at the next Board meeting. Jim Hackett followed Mr. Birdsong by informing people of where the idea of a “CUP” came from. It was just another back door tactic of the Humane Society of the United States in an attempt to get their foot in the door to perform inspections on kennels, and seize dogs. The importance of everyone standing together was emphasized and that all hunters needed to spread the word on showing up at the next Board meeting. The crowd was also informed that the eyes of all Va. hunters were watching Sussex County with hopes that its citizens would stand up and defeat this injustice because if the “CUP” was to survive in Sussex, it would only lead to more counties statewide adopting it.

Further contacts with county supervisors were made, it was their suspicion that someone had altered records and had taken it upon themselves to implement the requirement of a “CUP” for new kennels. If this was true, this could possibly be a violation of the law. Contact with the Attorney General, two state

senators and members of the House of Representatives immediately followed. Legal advice was obtained and a plan was made on how the issue would be handled.

During the next two weeks countless clubs and hunters were notified and encouraged to come to the Board meeting on November 18, 2010. Kirby Burch (VaHDA Lobbyist/ Vice Chairman) and Jim Hackett attended the Nov. 18 meeting. You should have been there! The clubs and hunters of Sussex County as well as the Quad County Houndsmen Association/VaHDA (Eastern Tidewater representative) Prince George Chapter/VaHDA, and the Dinwiddie Chapter/VaHDA showed up in force. Over two hundred supporters showed up with blaze orange on! It was impressive. The meeting had to be moved to the high school because the courthouse could not accommodate everyone.

Once the meeting was moved, the issue of "CUP" was brought to the top of the agenda. Obviously, doing our homework had paid off, Supervisors Eric Fly, Wayne Birdsong along with support from Supervisors Mr. Tyler and Mr. Harrell immediately started challenging the ordinance. The county administrator responded to their questions by saying that in his opinion, someone had misinterpreted the intent of the ordinance and had mistakenly included private owned kennels where the ordinance was intended for commercial kennels. In the end, the Board of Supervisors passed an emergency 60 day order which removed any requirement that would include privately owned, non commercial kennels in the "CUP" requirement. The final change to the zoning rule will be corrected and voted on for final approval within the next 60 days.

We were pleased that the Board of Supervisors overturned the zoning ordinance without a confrontation. The VaHDA had spent several weeks in planning for that night and we had come prepared to make a statement that would have left its mark. Fortunately our comment wasn't needed and due to some advice our lobbyist provided to the Board of Supervisors Chairman, the VaHDA has been asked to provide the county attorney and the county administrator with the expertise to properly word the permanent change in the zoning ordinance.

The incident in Sussex County should be a testament to everyone. Never think that you are powerless to oppose your local government. It is our responsibility to assure that they are kept in check. **THEY WORK FOR YOU!** You voted them there and you have the power to remove them. Keep an watchful eye on your local board of supervisors. Do not let them pass the "CUP" in your county. This is designed to drive kennel owners out of the sport by making it too expensive to own dogs.

The VaHDA was there willing to take up the fight to save and protect our freedoms for hunting with dogs in Sussex County but, we cannot be successful if you do not take a stand. There will always be those who want to chip away at your rights and freedoms. You must contact the VaHDA when you see things at work that could lead to a negative impact to hunting with dogs. Don't wait until it is over to see how it turns out, get involved on day one and have an impact on the outcome.

Your forefathers died to provide you the freedoms that you have today, our soldiers are fighting a war to preserve our rights to freedom. Don't insult them and give the rights away. Stand up and defend what is yours!