

CASE 4

From 1980 to 1990, the sleepy rural town of Palmdale, just outside of Los Angeles experienced record growth from 12,000 to 68,000 residents. In the 1990s, anticipating population growth that would rival that of the fastest growing cities in the United States, the community annexed nearby rural areas. In the years leading up to 2006, Palmdale rapidly expanded as a bedroom community for commuters who work in Los Angeles.

Despite having a population of approximately 589,000 in 2007, and being the fourth largest city in the Mojave Desert (surpassed only by the three cities which make up the Las Vegas metropolitan region), nearly 40% of the city's land is vacant, rural land. To cope with this growth, Palmdale has extended the reach of city codes and regulations to the annexed areas, including regulations regarding the ownership and housing of domesticated animals.

In January of 2006, Linda Papineau, a landowner and resident of Palmdale since 1986, was cited for running an illegal dog kennel. Local code enforcement officers who were sent to her residence to serve a warrant for having too many dogs on the property found that Papineau had 104 dogs. They also found her home to be in generally uninhabitable condition.

Upon closer inspection, one of the officers saw that the animals were emaciated. Large amounts of fecal matter had accumulated both in the yard and inside the house, and a powerful stench of urine emanated from inside the home. The house suffered from the additional code violations of having shattered windows, a damaged roof, and broken pipes. A local Building and Safety Inspector posted a sign on Papineau's property, declaring it uninhabitable until repaired.

Of the 104 dogs, Los Angeles County Animal Care and Control officials impounded 59 of the dogs that were found to be unsuitable for adoption, having no or minimal socialization. Papineau was ordered to find new homes for the remaining 45 dogs. She was allowed to return to her home, where the remaining dogs were staying, to care for them, but was not permitted to sleep in the house due to its uninhabitable condition.

That the dogs were emaciated seemed unusual, since code officers found plentiful supplies of dog food. Papineau maintained throughout the investigation that she had rescued the animals - in rough physical and emotional condition and in general ill health when she found them, and brought them home. Explaining the condition of the animals, she maintained that it takes some time to recover from abuse and malnourishment.

In her defense, Papineau asserted that when she bought her 2 1/2 acres in 1986, her property was outside of existing city limits, and was zoned for agriculture. The old

zoning laws permitted kennels. It was only after the land was annexed by the city that the area was rezoned, and dog owners were limited to no more than 2 animals.