

CITY COUNCIL STUDY SESSION MINUTES

February 2, 2016

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:30 p.m. in the Municipal Building Conference Room on the 2nd day of February, 2016, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:

Councilmembers Castleberry, Heiple,
Holman, Jungman, Lang, Miller,
Williams, Mayor Rosenthal

ABSENT:

Councilmember Allison

Item 1, being:

DISCUSSION REGARDING PROPOSED AMENDMENTS TO THE ANIMAL WELFARE ORDINANCES.

Mr. Jim Maisano, Deputy Police Chief, highlighted the previous meetings held regarding the proposed ordinance amendments. He said on June 12, 2015, Staff met with four veterinarians as well as five representatives from animal welfare groups on June 17th. On June 22nd the first Animal Welfare Oversight Committee (AWOC) was held with 40 citizens in attendance for public input on the ordinance changes. On July 1st, Staff met with an AWOC member and an attorney representing local animal groups who provided a packet of recommendations and changes. Nine citizens attended AWOC meeting on August 3rd and five citizens attended AWOC meeting on August 24th where the Animal Oversight Committee unanimously approved support of the amendments. The City Council Oversight Committee reviewed the amendments in its meeting of September 17, 2015.

Deputy Chief Maisano said the last major review of Chapter 3 occurred in 2009 and, at that time, the changes focused on clarifying definitions and outdated language, updating the number of dogs and cats allowed at a residence, and establishing guidelines for kennels and animal welfare groups in the community.

Deputy Chief Maisano said 75% of the proposed amendments are based on recommendations from veterinarians, animal welfare groups, citizens, and most notably the Humane Society of the United States (HSUS); American Society for the Prevention of Cruelty to Animals (ASPCA); University of California Davis Veterinary Medicine - University of California Veterinary Program; University Of California - National Medicine Program; Association of Shelter Veterinarians (ASV); American Veterinarian Medical Association (AVMA); North Carolina's ordinance on dangerous animals; and Fremont, California, Animal Welfare Center.

The current proposed modifications to Chapter 3 are focused on the review and update of existing and needed definitions, existing language updates, update of pet license requirements (to coordinate with three year rabies vaccinations), and establishment of a working definition and ordinance for dangerous animals (not limited to dogs) within the community.

Deputy Chief highlighted key changes to the ordinance as follows:

Definitions for Chapter 3

Section 3-103: (modified) **Altered** – expands definition to allow for other medically approved procedures to make and animal incapable of reproduction in accordance with State law.

Section 3-104: (modified) **Animal Welfare Groups** – allows for approval of Animal Welfare Groups registering with the City and defines condition for approval or denial of registrations.

Section 3-105: (new) **Animal Welfare Center** – provides definition of the Animal Welfare Center.

Section 3-107: (modified) **At Large** – removes chains, cords, and ropes as approved items to restrain an animal (item must be designed to restrain the animal).

Section 3-108: (new) **Dangerous Animal** – any animal whose behavior, temperament, size or any combination thereof, when considered under the *totality* of the circumstances including the nature of the surrounding area, constitutes a reasonable risk of injuring a human or animal or damaging personal or real property. That behavior includes, but is not limited to, an animal(s) biting or attacking or attempting to attack a human or other animal. This definition shall not apply to any animal that has been subject to provocation or if the victim has been trespassing, as defined in Section 15-605, upon the animal owner's premises. (totality = looking at the entire picture of circumstances before declaring an animal as dangerous).

Section 3-109: (modified) **Confined on the premises** – removes chains, cords, and ropes as approved methods of physically restraining an animal upon the premises (item must be designed to restrain the animal).

Section 3-111: (modified) **Foster Home** – works under the direction of an *approved* Animal Welfare Group (must be registered with the City of Norman, may provide housing for up to twelve (12) months, and section provides for a temporary extension of six (6) months for an animal with a documented medical condition that requires extended housing).

Section 3-112(3): (modified) **Kennel classifications** – rescue kennel may provide housing for up to twelve (12) months and allows for a six (6) month extension for an animal a documented medical condition requires extended housing.

Section 3-113: (modified and new) **Nuisance** – a nuisance is an animal that (1) damages the property of anyone other than its owner including, but not limited to, scratches or digs about any flower bed, garden, tilted soil, vines shrubbery, or small plans and in to doing injures them and (5) annoys or disturbs any person by loud and frequent barking, howling, yelping or causes noise in an excessive, continuous, or untimely fashion/manner so as to interfere with the reasonable use and enjoyment of neighboring private premises.

Section 3-115: (new) **Unprovoked** – an act of aggression towards an animal or human that occurs without apparent cause, reason, prompting, or motivation.

Section 3-118: (new) **Exotic Wildlife and Native Wildlife** – references Section 3-505(5) Keeping of animals other than dogs and cats (exotic animals already prohibited but there was no definition of what exotic wildlife is).

Definitions Deleted

Shelter – definition deleted and replaced with Animal Welfare Center.

Vicious Animal – definition deleted and replaced with Dangerous Animal definition and section on how it is to be enforced.

Ordinance Language Modifications/Additions

Section 3-201: (modified) Authority of Animal Welfare Supervisor and Officers

- (3) The Animal Welfare Supervisor or Animal Welfare Officer may upon complaint or on their own initiative inspect any structure or place licensed with a kennel license with at least one inspection being conducted annually at each licensed or registered location.

Section 3-202: (modified) Duties of Animal Welfare Supervisor

- (2) The Animal Welfare Supervisor, his officers, and other person designated by the City Manager, shall pick up all animals in violation of the provision of this chapter or any animal that is or will be without proper care because of injury, illness, incarceration or other excusable, involuntary absence of the person responsible for the care of such animal and shall impound them at the Animal Welfare Center.
- (3) The Animal Welfare Officer may within the City, search out and destroy with firearms or other methods any dangerous animal when causing an immediate threat to a human or another animal after a reasonable attempt is unable to be captured (removes “pack of dogs (3 or more) causing no harm” and “agricultural areas only”).
- (4) Requires fees be paid before impounded animals are released (allows the Supervisor to waive part or all the fees to allow an animal to be returned to its owner based on documentation, reasonable, and necessary needs).
- (6) Nothing in this section shall prevent the Animal Welfare Supervisor or his/her designee from seizing and/or forfeiting an impounded animal pursuant to any other provision of the City ordinance or state law.

Section 3-203: (modified) Fees, charges, and deposits – clears up language of fees charged and adds those on the administrative list filed in the City Clerk’s Office.

Section 3-205: (modified) Sale and disposition of animals not retrieved by owners

- (4) ...disposal may include but not limited to adoptions, euthanasia, or transfer to another animal welfare groups, an animal rescue group or other animal welfare facility. For domestic animals other than dogs and cats sales by auction may be utilized as outlined in state law. No live animals shall be released or sold to any facility for educational, scientific and/or medical research.
- (5) Outlines reasons adoptions could be refused.

Section 3-206: (new) Owner relinquishment – provides guidelines for when an owner relinquishes ownership of an animal (animal shall be screened for placement into the adoption program, owner will complete a release of ownership form if animal is accepted, if space is not available, the owner will be referred to other Animal Welfare groups/rescues, and animals will not be accepted solely for the purpose of euthanasia so the owner must declare the animal a dangerous animal or medically untreatable due to disease and/or injury and the animal needs to be euthanized for humanitarian reason).

Section 3-207: (new) Refusal to redeem impounded animal – requires owner to redeem as soon as reasonably possible.

Ordinance Language Modifications/Additions, continued:

Section 3-208: (modified) **Quarantine of animals which injure humans** – requires quarantine of a bite animal in accordance with Health Department regulations and makes it lawful to refuse to quarantine a bite animal.

Section 3-209: (modified) **destruction or impoundment of animal suspected of rabid** - requires quarantine of rabid animal in accordance with Health Department regulations

Section 3-210: (modified) **Animals that die within ten days after injuring a person** – requires the owner to notify the Animal Welfare Supervisor within ten (10) days should any animal bite or inflict by other means and open wound on a human and cause exposure to saliva or other potentially infectious tissue and thereafter die for any reason.

Section 3-211: (modified and new) **Pet License Required** – license will be required, clarifies moving into City or changing ownership; allows for a one (1) or three (3) year license to correspond with new three (3) year rabies vaccinations.

Section 3-212: (new) **Exemptions** – provides exemptions to Chapter 3 if meet certain criteria.

Section 3-213: (new) **Term of license** – sets terms for pet licensing.

Section 3-214: (new) **License application** – sets criteria of information on license application.

Section 3-215: (new) **Rabies vaccination** – requires certificate of vaccination at time of application for pet license.

Section 3-216: (new) **Issuance of tags and certificates** – allows micro-chip for identification in lieu of metal tag.

Section 3-217: (new) **Owner must attach license** – requires owner to attach tags to collar.

Section 3-218: (new) **Tag or Certificate must be shown** – upon request, tag or license certificate must be shown.

Section 3-219: (new) **Removal of registration tag prohibited** – only the owner or licensee shall have the authority to remove tag or other device used to identify the dog or cat owner.

Section 3-220: (new) **Lost and destroyed tags** – allows owners thirty (30) days to replace lost or destroyed tags.

Section 3-221: (new) **Counterfeit and imitation tags** – prohibits persons from imitating or counterfeiting tags or other devices.

Section 3-222: (new) **Authority to euthanize** – provides codified authority to euthanize animals affected with any dangerous, painful, incurable, communicable disease, or incurably crippled or suffering after reasonable effort to notify the owner.

Section 3-223: (modified) **Penalties** – sets penalty costs for violations of Chapter 3.

Ordinance Language Modifications/Additions, continued:

Section 3-301: (modified) Cruelty to Animals (modified)

- (g) it shall be unlawful to intentionally torment, harass, throw objects at, verbally or physically confront any animal, whether confined or unconfined in a manner to cause unjustified agitation or injury to the animal.
- (h) No person shall cause an animal to be overloaded or forced to work in a manner unsuitable to its species, breed, condition or health so as to cause injury to the animal.
- (i) No person shall fail to provide or deprive any animal in their possession, care, or control reasonable medical or necessary veterinary care if the animal is sick, diseased, and/or injured.

Section 3-302: (new) Transportation of animals in open areas of motor vehicles - ...unlawful to transport an animal on any roadway or highway within the City ...in the open area where the animal could unintentionally fall, jump, or be thrown from the vehicle and be injured or killed (animal must be safely tethered or enclosed in a carrier of adequate size and properly ventilated).

Section 3-303: (modified) Animals that are nuisances

- (1) No person shall own, keep, possess, or harbor any animal that is a nuisance unless the animal is confined on the premises of the owner as described in Section 3-109 or it off the premises of the owner the animal is at heel as described in Section 3-106 (upon conviction the animal may be ordered to be confined on the premises of the owner and upon three (3) convictions within a twelve (12) month period the animal will be ordered to be removed from the City or destroyed, owner's choice).

Section 3-402: (modified) Confinement of dogs and cats – removes the exemption for areas zoned agriculturally zoned areas, A1 and A2 (some parks and school areas in town still fall in this exemption).

Section 3-403: (modified) Prohibition of dogs and cats in certain areas – guide, signal, or service dogs charged to a service animal (includes rules from Oklahoma Administrative Code for prohibiting in places where food or drinks are dispensed commercially).

Section 3-405: (modified) Number of dogs and/or cats allowed – adds “or any combination thereof” to all sections, combines the limit for altered and unaltered animals (two dogs unaltered and 4 dogs maximum if all are altered and three cats unaltered and six cats maximum if all are altered).

Section 3-406: (modified) sale of dogs or cats – clarified language and requires animal welfare groups doing off-site sales or adoptions events to be an approved registered group with the City.

Section 3-501: (modified) Keeping of animals other than dogs and cats – removes limitation of only on land on which the owner resides (i.e., farmer leasing pasture land for cattle).

Section 3-601: (new) Dangerous animals prohibited – prohibited to possess a dangerous animal except in compliance with provisions in Chapter 3.

Section 602: (new) Animals classified by other governmental entities – unlawful to keep or allow animals to bite or attack.

Ordinance Language Modifications/Additions, continued:

Section 3-603: (new) **Animal bite** – owners must report all animal bites.

Section 3-604: (new) **Animal Welfare Supervisor or his/her designee are to investigate complaints and dangerous animal designation** – animal bites will be investigated by Animal Welfare.

Section 3-605: (new) **Confinement/Impoundment** – bite animals must be confined during investigation.

Section 3-606: (new) **Authority to seize a dangerous animal** – if incident meets criteria for classification of a dangerous animal a municipal citation will be issued.

Section 3-607: (new) **Hearing and adjudication** - conviction in Municipal Court will deem animal as a dangerous animal (defendant must appear before the judge within ten (10) days of citation, animal may remain in City limits or animal may be removed from City limits, or animal may be euthanized).

Section 3-608: (new) **Dangerous animal permit required** – an annual Dangerous Animal Permit will be required, animal will be confined indoors or in an enclosed pen (must be leashed and muzzled when outside kennel), a dangerous animal sign must be posted on the property, proof of vaccination and pet license required, a photo must be on file with Animal Welfare Center, micro-chipping required, a minimum \$100,000 liability insurance required, notification of change of status (loss, escape, death) required, and notification of ownership change required.

Section 3-609: (new) **Exemptions to classification** – animal is confined on property and attacked by other animal, person committing a willful trespass, tormenting, abusing, or assaulting the animal, and committing a crime.

Section 3-610: (new) **Exemption of certain facilities** – exceptions for veterinary hospitals, zoo, or other licensed facility where animal are adequately cared for with due regard for public health and safety.

Section 13-1205: (new) **Dangerous animal permit** – a dangerous animal permit will be required at an initial fee of \$100 with an annual renewal fee of \$50. Notification of property owners must be in compliance with Chapter 13-1202 - Notice Required and 13-1203 – Public Hearing of the Code of Ordinance, and an Animal Welfare Officer will be able to inspect a licensed location a minimum of once per year.

Comments/Questions

Dangerous Animal

Councilmember Lang is concerned about the word “provocation” in Section 3-108. He said provocation for a dog might be someone riding their bicycle down the street and a dog comes charging out of the yard at them. How would a person on a bicycle file a complaint about a dog that always chases bicyclists, but when a car goes by the dog just sits there and does not give chase? What type of action does the City follow when citizens make a report on an animal they do not believe they provoked? Deputy Chief Maisano said there would be two ways to address that, 1) the citizen can make a complaint with the Animal Welfare Center and the Animal Welfare Officers will do an investigation or 2) that animal may be declared a nuisance animal if it continually chases bicycles, pedestrians, etc., versus being declared a dangerous animal. The Animal Welfare Officer will look at the totality of circumstances of what they are dealing with as far as the dog being provoked or unprovoked.

Comments/Questions, continued:

Dangerous Animal, continued:

Councilmember Miller said in the case of a nuisance animal, if the animal is running after bicycles or pedestrians, it can still be dangerous even if the animal does not bite the person. What would it take for some type of action to be taken, how long does the City keep those records, and does it make a difference if this animal has chased bicyclists/pedestrian multiple times? Deputy Chief Maisano said the totality of circumstances would be taken into consideration and when the Animal Welfare Officer follows up, they will check to see if any calls have been previously responded to regarding this animal. Councilmember Miller asked if there is any kind of consequence to the owner if this has happened multiple times and Deputy Chief Maisano said a complaint would probably be filed through Municipal Court as someone having a nuisance animal, then the owner would follow the Court process and be subject to the same fines and penalties versus the dangerous animal where Animal Welfare will make the owner take more stringent steps to be able to keep that animal in the city limits.

Councilmember Castleberry asked about “the first bite rule” and Deputy Chief Maisano said the City does not have anything in the Code regarding a first bite rule. Councilmember Castleberry said he was told that if a neighbor’s dog escapes from its owner’s premise and bites a child it is considered a first offense and no action is taken, but if it happens again the dog is labeled a dangerous animal. Deputy Chief Maisano said the current ordinance does not address vicious animals or dangerously vicious animals in a case where there may be multiple occurrences so this proposed ordinance is attempting to address that. Under the new ordinance, the owner will more than likely receive a citation for being in possession of a dangerous animal that was loose and bit someone.

Deputy Chief Maisano said under the proposed ordinance, a dangerous animal may be able to remain in the City limits if the owner obtains an annual dangerous animal permit that will require confinement indoors or outdoors and leash and muzzle when outside; signs to be posted; proof of vaccination; photo of animal on file with Animal Welfare Center; micro-chipping; a minimum \$100,000 liability insurance policy; notification of change of status; and notification of change of ownership. The dangerous animal permit would initially cost \$100 and \$50 to renew and a minimum of one inspection will be conducted annually to ensure the regulations are being met.

Councilmember Williams asked if there is a step down procedure for the annual permit after an animal is declared dangerous if that animal has no more incidents throughout a certain period of time or would that permit always be required once an animal is declared a dangerous animal? Deputy Chief Maisano said once the animal is declared dangerous it will always be considered a dangerous animal.

Councilmember Castleberry said a constituent has a business where a trained guard dog protects the business and that dog could be considered dangerous so are there any exceptions for that? Deputy Chief Maisano said exemptions to an animal being declared a dangerous animal would be 1) the animal was confined on its own property and was attacked by another animal thereby having to defend itself, 2) a person was committing a willful trespass and was attacked by the animal guarding its territory, 3) the animal was being tormented, abused, or assaulted and fought back, and 4) the animal attacked someone committing a crime against the owner. He said Staff tried to build protection for the owners as well as the animal.

Councilmember Castleberry said a child was recently bitten by an animal on a weekend morning, but the situation was not addressed as it should have been. He asked how animal bites are addressed on weekends when the Animal Welfare Center may not be sufficiently staffed and Chief Humphrey said there was a breakdown in that incident where it was not addressed immediately, but incidents will be addressed immediately from now on. He said all dog bites have to be reported to the Cleveland County Health Department so an Animal Welfare Officer will be called in to review any dog bites no matter what the time or day.

Comments/Questions, continued:

Nuisance Animal

Councilmember Castleberry said he has a constituent that owns a peacock that apparently runs around the neighborhood making a lot of noise in the area so would this section address that issue? Deputy Chief Maisano said yes, because it would meet the definition of a nuisance animal that states “any animal that causes noise in an excessive, continuous, or untimely fashion/manner so as to interfere with the reasonable use and enjoyment of neighboring private premises.” Deputy Chief Maisano said the definition is not limited to dogs and cats, but all *animals*, which would include peacocks.

Exotic Wildlife and Native Wildlife

Deputy Chief Maisano said this section of the ordinance was created using language from Oklahoma City’s ordinance and Norman’s Staff added boas and pythons because they are part of the constrictor snake family. The prohibition of exotic animals in the City of Norman ordinance has been on the books since 1975; however, there has never been a definition for exotic wildlife and what animals are included; however, the City has always included boas and pythons in the prohibition for exotic animals. He said exotic animal complaints are responded to on a complaint basis and owners have always complied with the City and the City has helped them relocate the snakes. After reviewing records, he has found no documentation that anyone has been issued a citation for possession of an exotic animal, which is mainly due to the owner’s compliance. He said if Council wants to exclude boas and pythons then Staff will need to create some type of language for the regulation of keeping such snakes. He said Staff has concerns about the snakes getting loose or being let loose and what that could mean to the safety of the community.

Councilmember Holman said snakes are the only animal he has received objections about from constituents who do not want them banned and he would like AWOC to look at regulations for these types of snakes instead of banning them completely. Mayor Rosenthal asked if Councilmember Holman is requesting the exclusion of boas and pythons or all venomous snakes and Councilmember Holman said boas and pythons are the only types of snakes mentioned to him. Mayor Rosenthal said it would be simple to strike boa and python at this point and go back to review regulations, but she would certainly not be interested in allowing venomous snakes.

Deputy Chief Maisano said there is a lady in Norman who currently owns fifteen or sixteen snakes and if Council does strike boas and pythons then all of the snakes she owns will fall under the new ordinance and she would be allowed to keep them. She does not own anacondas or venomous snakes.

Councilmember Williams said he is really uncomfortable rewriting the ordinance for the sake of one citizen from one particular instance. He would much rather talk about this in an overarching way to make sure as we move forward this is a good ordinance for everyone who lives in Norman. He is also uncomfortable simply striking language that somebody has taken a significant amount of time to research and vet especially without taking into account the reasons these snakes are banned in other communities.

Councilmember Miller said she feels for the people who currently own these animals and care about them. She asked if it is good for the animal to be kept in aquariums and homes because that is such an unnatural environment and some snakes get so large that being contained in a small area cannot be good for them. She said thinking in terms of the animal’s welfare she does not know how good it would be for the animal if the City allowed them. One of the reasons the City does not allow the keeping of exotic animals is because it is inhumane and not healthy for the animals.

Comments/Questions, continued:

Exotic Wildlife and Native Wildlife, continued:

Mayor Rosenthal wondered why someone would own 16 snakes and asked if they are for private or commercial enterprise and Deputy Chief Maisano said the woman he referenced breeds them. Councilmember Castleberry said that is a business and asked if a home based business would allow that and Deputy Chief Maisano said the City does not have regulations about breeding snakes, dogs, or cats as a commercial business. Councilmember Castleberry said he would like to look at this situation as a home based business; however, first responders might want to know if someone has six foot anacondas, pythons, or boas in their home.

Mayor Rosenthal said Councilmember Miller makes a striking point that the City is trying to ensure and advocate for the humane treatment of animals and it seems that keeping exotic wildlife in a home may be entertaining for the owner, but may not be humane for the animal.

Councilmember Holman said he does not own any snakes, does not plan to own any snakes, and only brought the subject up because it was the only thing specifically brought to his attention by constituents after AWOC had concluded its discussions. He believes it should be discussed and he does not know if it is inhumane or not, but it sounds like it could be if they are being bred.

Councilmember Lang said he is a big fan of snakes, particularly when they are outside eating rodents, but he would not keep one in his house. The fact is, most of this ordinance is written for the protection of the animals and he does not mind being more restrictive than other communities. He would hate to change a whole ordinance because the City has a population of three people who want to keep an exotic pet. He said exotic animals are exotic because they are not domesticated and he has an issue, whether it is snakes or baboons, with an exotic animal being in someone's home because that is not where they are supposed to be.

Owner Relinquishment/Impoundment Procedures

Deputy Chief Maisano said the Animal Welfare Center will not take an animal solely for the purpose of euthanasia unless declared dangerous, too ill to be treated, or too injured to be treated. He said the Animal Welfare Center will not accept an animal if the facility is at full capacity, but will refer the owner to other Animal Welfare Groups/Rescues or propose a scheduled relinquishment where the owner can bring the animal in later when space is available.

Mayor Rosenthal said Oklahoma City and Edmond's facilities take animals even if they are at full capacity and asked what happens to the animal in these cases. Deputy Chief Maisano said the animal is immediately euthanized or doubled up in kennels.

Councilmember Holman said a concern he heard out of AWOC meetings is that if someone does not want their animal and they take it to the Animal Welfare Facility who refuses to take the animal for whatever reason, the owner will just drop the animal off somewhere in the city limits. He said Norman has a large rural area where animals can be dropped off without being noticed.

Deputy Chief Maisano said the proposed ordinance includes all animals, not just dogs and cats, so if someone wanted to relinquish 20 goats due to illness and the City took in all animals no matter what the reason, then the City would have to take in those 20 goats. He said a woman brought her sick dog in for relinquishment and the City had a veterinarian check the dog and was able to help with its ailment. The Staff feeling bad for the woman allowed her to re-adopt her dog; however, the dog became sick again and she tried to relinquish the dog for a second time and the Animal Welfare Center refused to take the dog.

Comments/Questions, continued:

Owner Relinquishment/Impoundment Procedures, continued:

Councilmember Miller does not like the idea of the City mandating the Staff's ability to make decisions on what animals can or cannot be taken in. According to AWOC members, the City's intent should be, particularly with dogs and cats, to make an effort to take all animals, which will keep owners from abandoning animals in rural areas. She felt it would almost be more humane to euthanize the animal rather than have them abandoned and asked if language could be added to that effect. Deputy Chief Maisano said the Animal Welfare Center could make a concerted effort to take in all dogs and cats or make arrangements for the dogs or cats to be taken in by an animal welfare rescue group if that is the way Council wants to go.

Councilmember Castleberry understands the need to have administrative oversight and discretion, but if Norman is going to have a City owned Animal Welfare Center then Norman's tax paying citizens should be able to relinquish their animal without question. He is concerned about using the language, "The Animal Welfare Center may accept any animal the owner desires to release to the Center" instead of "The Animal Welfare Center shall accept any animal the owner desires to release to the Center." He said anyone with street smarts will tell other people, "Hey, all you have to do is tell the Animal Welfare Center that the animal is dangerous and they will take the animal." He said if the Animal Welfare Center takes an animal just because the owner declares the animal dangerous or vicious then that will be happening all the time.

Mayor Rosenthal said citizens of Norman can expect certain services from the Animal Welfare Center, but those citizens should pay for the services associated with operation facility. She said that is why the City has adoption fees and another way to think about this is to have a fee associated with relinquishment so the City is not allowing people to be free riders and not be responsible pet owners. It troubles her that if the Animal Welfare Center has space they will be taking an animal that could infect other animals or be pushed into euthanizing or adopting out the animals which can have problematic consequences.

Councilmember Jungman said it has been brought to his attention that the current ordinance has some mandatory language with respect to the Animal Welfare Supervisor that states, "The Animal Welfare Supervisor or Officers shall impound all animals lawfully brought to the shelter." Is this true, that language changes the ordinance to less mandatory language? Deputy Chief Maisano said that language is in reference to Animal Welfare Officers picking up animals and bringing them to the Center so the animal is "lawfully" brought to the Center. It is not in reference to owner relinquishment of animals.

Mayor Rosenthal would like to consider codifying the City of Moore policy of scheduled relinquishment. She is concerned about getting back into the practice of overcrowding the facility, which leads to problems associated with disease and pushing more euthanasia.

Councilmember Miller asked if some of these issues will resolve themselves when current construction increases the Animal Welfare Center's capacity as well as hiring a foster coordinator in order for the City to have more ability to deal with the amount of animals the City typically deals with at this time. Deputy Chief Maisano said yes, both of those should help.

Councilmember Lang would like to know how many owner relinquishments the City has versus space and if there is any truth to the rumors that the number of animals relinquished or abandoned tends to increase at the end of the college semester. Deputy Chief Maisano said there is not a marked increase of relinquishment related to the end of a semester. The intake for animals is pretty steady throughout the year and when the City sees those types of increases, it is usually early spring or late winter when litters are being born.

Comments/Questions, continued:

Owner Relinquishment/Impoundment Procedures, continued:

Councilmember Lang said another factor in this discussion is that the City wants to keep the number of euthanized animals to a minimum, but by the same token if animals are abandoned that is an inhumane euthanasia. On the other hand, he does not want to cause a huge problem for Staff at the Animal Welfare Center or animal groups so he would like to know exactly how extensive this problem could be.

Councilmember Lang asked if adoption fees actually cover costs for the processing of animals and Deputy Chief Maisano said it is fairly close, but the City may be losing a little money because the adoption fee of \$65 includes spay/neuter services, pet license fees, and rabies vaccination. He said if the Council desires that all animals be taken because the Animal Welfare Center is a public facility then Staff will make due and if capacity is reached Staff will decide if kennels can be doubled up or if euthanasia is needed for space. Councilmember Lang said if the City does that there will be a public uproar because the euthanasia numbers are going to increase and Council needs to make a conscience decision with that understanding. Deputy Chief Maisano said that was brought up during AWOC meetings and AWOC was clear on the consequences of taking in animals no questions asked.

Councilmember Jungman supports the use of “shall” or some type of language that structures what the Animal Welfare Center will do so people can have confidence they can relinquish animals to the Center. Mayor Rosenthal asked if “shall” is used would there be more likelihood that more animals will be euthanized? Councilmember Jungman said the City will have to have a better partnership with animal foster groups because euthanasia should not be the first answer. He recognizes there is a practical limit to what people can accept in their homes and what the City can house in its facility, but we should not jump to euthanasia as some kind of panacea. Deputy Chief Maisano said Staff does try to relocate animals before they euthanize them.

Councilmember Williams would like to see data on the number of scheduled relinquishments in the City of Moore and how many people have followed through with that. Councilmember Castleberry said Norman is a bigger City than Moore and should have a higher standard. Mayor Rosenthal said if the City uses “shall” then scheduled relinquishment would be a very good compromise because it recognizes that undue pressure is put on the Animal Welfare Center in terms of taking sick animals or even healthy animals, but if the Center is out of space then more animals will be euthanized.

Councilmember Castleberry said if the word “shall” is used in the language that states “The Animal Welfare Center *shall* accept any dog or cat”, the City can still have procedures in place that would not require the animal to be accepted at that very moment, but scheduled for relinquishment at a later time if the facility is at capacity. Mr. Keith Humphrey, Police Chief, said Staff will work with whatever Council desires and Councilmember Castleberry asked if his suggestion is feasible. Ms. Jeanne Snider, Assistant City Attorney, said yes, language could be added to the ordinance or it could be standard operating procedures (SOP), but the language proposed helps citizens understand what to expect when they relinquish their animal. She said if “shall” is in the language, it is more or less saying the Animal Welfare Center shall accept any dog or cat.

Councilmember Jungman suggested the ordinance use “shall” then have an “or” in there because an “or” would accommodate for some type of leeway for the Animal Welfare Center to accept that animal at a structured, future date or time. Mayor Rosenthal felt the City Attorney should structure the language to assure citizens that if the Animal Welfare Center is full, efforts will be made to place dogs and cats, only, into foster care or through a scheduled relinquishment.

Comments/Questions, continued:

Owner Relinquishment/Impoundment Procedures, continued:

Councilmember Jungman asked if there are sufficient changes to the ordinance that it should go back to AWOC for review and Deputy Chief Maisano said from direction given by Council tonight, Staff can draft language to move forward without further AWOC review. Ms. Snider said Staff can forward the changes to AWOC for their input, but did not see a reason for the entire ordinance to go back to AWOC. Mayor Rosenthal agreed and said direction given to Staff is consistent with what AWOC wanted. She said Staff will need direction on the question of exotic animals as she did not hear a great deal of support for striking boas and pythons, but wanted Staff to have clear directions. The consensus was to leave boas and pythons in the definition of exotic animals.

Items submitted for the record

1. Memorandum dated January 28 2016, from Jim Maisano, Deputy Chief, to the Honorable Mayor and Councilmembers
2. Section 35,213. – Definitions, City of Oklahoma City Code of Ordinances
3. Number of owner relinquishments not taken in from September 2015, through January 2016, due to illness, age, aggressiveness, available space, or outside of City limits
4. Maps of agriculturally zoned parcels of land in Norman
5. PowerPoint presentation entitled, “Animal Welfare Proposed Ordinance Amendments,” City Council Study Session dated February 2, 2016

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The meeting adjourned at 7:07 p.m.

ATTEST:

City Clerk

Mayor