



## ANIMAL WELFARE COMMISSION

**Animal Welfare Commission  
Regular Meeting | June 3<sup>rd</sup> | 6:00 pm  
Morton Health Clinic 1334 N Lansing Ave, Tulsa, OK 74106**

Commissioners present:

Susan Savage  
Christine Kunzweiler  
Cordell Dement  
Robin Ballenger  
Teresa Meinders Burkett

Others: Dwain Midget, Jean Letcher, Jack Blair, Christina da Silva

Chair Susan Savage welcomed everyone to Morton Health Clinic. Each of the commissioners and City of Tulsa staff introduced themselves and welcomed guests.

### **Review of Meeting Minutes**

Chair Susan Savage noted that the heading of the meeting minutes should be changed to regular meeting minutes. Commissioner Ballenger moved to approve the meeting minutes with the changes, Commissioner Burkett seconded the motion. Motion was passed.

### **Review of Title II Animal Ordinance**

Commissioner Chair Savage invited Dwain Midget, WIN Department Director and Jean Letcher to lead the discussion on the changes, by going through line by line of the draft ordinance.

**Community Cats** Commissioner Savage pointed out that one of the primary additions to this section is the definition of “community cats”. Jean explained that the current ordinance does not address cats that are unowned but survive out in the wild. This cat population is overwhelmingly responsible for the large numbers of accidental litters that occur in the spring and summer every year. Tulsa Animal Welfare receives over 4,000 cats a year because of the overpopulation, many of these cats are feral and not good candidates for adoption. The draft ordinance includes the option for the City to identify a colony of community cats, then trap, neuter or spay and then return the cats to the space where it was found. Letcher explained that this method has been proven to reduce community cat populations in other cities. Letcher also pointed out that Samantha Polen from TNR already operated an organization dedicated to reducing cat overpopulation by using this method. Midget further explained that once the ordinance is approved, WIN would be able to develop a program to carry out the ordinance. Commissioner Savage asked about whether the cats would be vaccinated.

**Animal Wild by Nature** Commissioner Burkett asked about the definition animals that were considered “wild by nature” and whether it should also consider “dangerous”. Letcher clarified that it could be considered dangerous if they were kept at home as a pet. Commissioner Burkett recommended reviewing the term “dangerous” and that it should be specified that they should not be confined.

**Animal At Large** Commissioner Burkett asked for more clarification on the phrase “in physical control of its owner”. Letcher explained that the owner could have them in their arms or in a traveling carrier. Letcher further explained that animals under voice command was not enough for being in physical control of its owner. Commissioner Burkett noted that there should be further definition to help with enforcement and be clear that voice control is not included in this definition. One of the guests asked about electronic fencing, and Letcher explained that was not considered confined because a dog can still go past the electronic fence.

**Confined on the Premises** Commissioner Burkett asked for clarification on the definition of “confined on the premises”, specifically the definition for leash that was used. She noted that leashes are generally used for walking and that a tether was generally used to tie an animal to a fixture. Commissioner Kunzweiler noted that even though it may be legally a correct term, there are negative emotional connotation associated with the term ‘tether’. Commissioner Burkett was concerned about using the same term to describe what owners use to walk their dogs and what owners use to tie their dogs to a fixture. Letcher referenced the definition for leash and said that it could be expanded to include a rope that is used to confine dogs on the premise.

**Dangerous Animal** Commissioner Burkett asked for more clarification about “dangerous animal” and why dogs are excluded. Letcher explained that there is state statute that specifies treatment for dangerous dogs. Commissioner Burkett suggested that there be a phrase in the definition that specifically excludes dangerous dogs and to refer to the section that defines dangerous dogs to avoid confusion. Commissioner Chair Savage recommended that City Legal make sure that state and city laws are in agreement.

**Owner** Commissioner Burkett noted that the definition for owner did not include “foster” family.

### **Section 101 – Offenses**

Commissioner Chair Savage noted that the primary changes were focused on increasing fines. Commissioner Chair Savage understood that this would help the City Prosecutor enforce current laws.

### **Section 102 Registration and Rabies Inoculation**

Commissioner Burkett noted that section B was left blank and shifted the language down a section.

Commissioners reviewed the rest of sections 102 and 103. There were no questions.

### **Section 104 License Fees**

Commissioner Chair Savage asked about how fees compare to other communities. Letcher explained that many communities range in fees, from \$5 to \$50. Letcher explained that the goal was to help with public health to encourage people to vaccinate their animals, particularly with rabies. Letcher and Midget discussed how animals also needed to be spayed or neutered to be licensed, which could be a financial barrier for some families. Commissioner Chair Savage mentioned that she was interested in seeing the City’s fee schedule and how license fees could help offset animal welfare costs. Commissioner Chair Savage Commissioner Kunzweiler asked about when owners could go through an online license registration. Midget said that the goal was to be able to receive online registrations in June, but there were some challenges with the backend of the website and technical administration receiving card payments. Commissioners discussed how making the process more efficient and how more public education could also help increase license rates.

## **Section 105 Proclamation of Rabies and Section 106 Rabies Suspect**

Commissioner Kunzweiler expressed concern about animals suspected of rabies going to the owner's home during the observation period. She was concerned that homeowners who do not contain their dogs or let their dogs loose, even after they have been told to make sure their fences are fixed or to contain their animal. Commissioner Kunzweiler explained that people who are bit by a dog and cannot verify whether the dog has a rabies shot within 10 days need to go through rabies shots series, which are high cost.

Commissioner Kunzweiler said that while she does want home quarantine to be an option, her concern was having a process in which Animal Welfare Services could hold homeowners accountable for confining a dog that could be suspect of rabies and under quarantine. Commissioner Kunzweiler wanted to confirm that Animal Welfare Services would be able to use their discretion to understand the circumstances in deciding whether the animal could be quarantined at the shelter or at home. Letcher explained that in the current ordinance there is no option for home quarantine, however, most bites that require medical attention are among family members. Letcher explained that most animals that are quarantined at the shelter often leave with an upper respiratory infection and traumatized from being in the shelter for 10 days. She explained that in some circumstances it is better for the animal and the family to be able to be quarantined at home. Letcher explained that if the animal is found at large, home quarantine would not be considered an option. Letcher further explained that the policy generally is that if the animal is not at large, then home quarantine could be considered an option. Commissioner Chair Savage further clarified that if the owner provided a record of current vaccinations, then no quarantine would be required.

Commissioners reviewed Section 107 and 108. There were no questions.

## **Section 109 Notice of Impoundment**

**E 7 Release to Animal Welfare Organizations** Commissioner Chair Savage noted that there was a change from naming only nonprofit animal welfare organizations that are recognized by the state of Oklahoma and expanding them to nonprofit animal welfare organizations recognized in the US. Commissioner Ballinger clarified that this would allow for animal welfare groups in other states an opportunity to help with taking in an animal at the Tulsa shelter. Commissioner Chair Savage asked if there was a process for animals that were considered highly desirable. Letcher explained that unless there is a medical or behavioral exception, Tulsa residents are given priority to adopt animals for the first 24 hours, rescue groups cannot request to pull animals until after the first 24 hours have passed. Letcher further explained that this was not in the ordinance, rather internal policy. A guest asked if there is a possibility for changing this rule for purebred animals. Commissioner Chair Savage responded that this issue was a matter of internal policy which could be discussed later, once the review of the ordinance is complete.

**F Procedures of Public Sale of Animals** Letcher explained that previously when Animal Welfare took in livestock, there was a process in which livestock was sold at a public sale. Letcher further explained that most livestock is returned to owners.

## **Section 110 Commercial Animal Establishments**

Letcher explained there are few stores that sell animals on the premises, most stores work with animal rescue groups to connect customers with pets.

Commissioners reviewed sections 111. There were no questions

## **Sections 112 Police Dogs, and Dogs Trained to Guide the Blind and Hearing Impaired and Support Service Dogs for People with Disabilities**

Letcher explained that this section pertains to defining animals that are considered service animals as defined by ADA.

Commissioners reviewed sections 113, 114, and 115. There were no questions.

## **Section 116 Entering Property**

Commissioner Chair Savage asked about the circumstances in which an Animal Control Officer could enter property and how imminent danger is defined.

Commissioner Burkett explained that there are circumstances in which imminent danger has been defined in the past, such as when someone is being attacked by a dog and an Animal Control Officer enters in the private property to protect the person's life.

Someone from the public explained that sometimes it is known that an animal is in danger, such as if they are hanging by the neck or if they are starving in the backyard. Private groups do not have the right to enter property. Previously, if private groups contacted Animal Control to let them be aware of the danger, they would need to have Tulsa Police Department present to have permission to enter the private property. Commissioner Chair Savage noted that this ordinance change would allow for Animal Control Officer to enter private property if an animal's or person's life is in risk. Commissioner Savage expressed concerned about safety of Animal Control Officers. Letcher explained that currently Animal Control Officers must wait for TPD in order to respond to emergency situations in which an animal's life is at risk, which can cause a delay. Commissioner Chair Savage noted that the draft language gives authority to Animal Control officers to respond if there is an emergency, while still protecting resident civil rights.

## **Section 117 Exemption Permits**

Commissioner Burkett asked about when the charges begin to incur for owners that have over 5 animals. Letcher explained that the first animal over 5 is when owners would be expected to be charged a fee.

She suggested adding language that stated more specifically that the fee of \$100.00 would start with the first animal over a total of 5. Commissioner Chair clarified that this section is not intended for commercial breeders.

Commissioner Burkett asked about the how long a valid hunting license is valid. Someone from the public answered that hunting licenses are valid for 5 years.

Letcher explained that there currently is an exemption that is for hobbyists, which allows animals to remain intact for specific activities. Letcher explained that the proposed draft ordinance removes the hobbyist exemption because the hobbyist exemption never put a limit on the number of animals. Letcher explained that the proposed ordinance allows for two separate permits, one permit that allows owners to have more than 5 or more animals and another permit that allows for owners to not have to spay or neuter their animals.

Someone from the public expressed that some owners rescue and commercially breed animals, which would require them to purchase two permits under the proposed ordinance.

Letcher explained that with the proposed ordinance, new exceptions could be given to individuals who acquired more than 5 animals but did not need the hobbyist exemption.

Commissioner Chair Savage referenced the current ordinance provides the Animal Rescue Permit which allows nonprofit animal welfare groups to own and keep more than 5 dogs or cats as well as keep them intact.

Commissioner Ballinger asked if fostered animals are also maintained intact. Letcher explained that foster animals are usually puppies or kittens that are too young to be spayed or neutered.

Someone from the public asked why the City wanted to know how many animals an owner has. Commissioner Chair Savage and Commissioner Kunzweiler explained that setting the limits on the number of animals addresses issues with concerning health and the quality of neighborhoods. Commissioner Chair Savage also welcomed everyone to provide feedback once the draft language is provided to stake holders.

### **Section 118 Penalty**

Commissioner Chair Savage noted the new penalty change if any of the provisions were not followed.

### **Chapter 2 Agricultural Animals**

Midget explained that the main point of interest in this section is the part that pertains to poultry. Commissioner Chair Savage noted that roosters were named as illegal.

Commissioners reviewed chapter 3 and did not have any questions

### **Chapter 4 Miscellaneous Provisions**

#### **Section 403 Euthanasia**

Commissioner Kunzweiler shared that there are new certifications for euthanasia techs who can perform euthanasia. Letcher explained that the ordinance was updated to include individuals who are licensed and approved Oklahoma State Board of Veterinary Medical Examiners, including TAW staff.

#### **Section 405 Distribution of Baby Fowl or Rabbits as Pets or Novelties Prohibited**

Commissioner Chair Savage asked if the sale of chicks or baby rabbits was still a common practice. Letcher stated that within the city limits it was not common a common practice.

### **Chapter 5 Dead Animals**

#### **Section 500 Dead Animals – Unlawful Disposal**

Commissioner Burkett noted that it was illegal to bury a dead animal in the backyard. Commissioner Burkett asked how this ordinance was enforced. Letcher explained that normally this specific part of the ordinance was not enforced but it could be included as part of a larger investigation, particularly if there is suspicion of animal cruelty. Midget noted that the proposed ordinance has an increased penalty. Letcher further added that Streets and Stormwater are responsible for picking up dead animals on the side of the road and have been given equipment to scan for identifying microchips. If a microchip is found, Streets and Stormwater informs the owner.

The Commission review Chapter 6, Chapter 7, and Chapter 8. There were no questions.

Commissioner Burkett commented that in section 900 C the term leash needs to be clarified and consistently used.

Commissioner Chair Savage noted the language on space was scratched out. Letcher explained this section was updated when the state made animal cruelty a felony.

## **Chapter 9 Humane Care and Treatment**

### **Section 903 Penalty**

Commissioner Burkett noted that throughout the ordinance there were penalties that go up to \$1200. In the draft language for the penalty for animal cruelty has fines going up to \$500. She wondered if it would be possible to have the language consistent with other penalties so that the fine could go up to \$1200 as it is with other serious offenses listed in the ordinance.

### **Public Comment**

Commissioner Chair Savage welcomed guests to provide feedback.

Kristin Henry introduced herself as a volunteer for Tulsa Animal Welfare and provides support of other animal rescue groups. She asked if there was any language that regulates the chaining of dogs. Letcher explained that currently the ordinance does not address the chaining of dogs, but it is being considered in the draft ordinance as part of Chapter 8 and Chapter 9. Commissioner Chair Savage said that Patty Mandrell had sent her examples of Animal Cruelty ordinance from other Oklahoma cities. Midget explained that the draft ordinance is modeled after Oklahoma City's ordinance. Midget further added that the District Attorney and City legal staff are trying to work with the state to allow municipalities more authority to address animal cruelty issues as a misdemeanor. Henry also brought up the process in which future adopters are vetted.

Jan Profitt also brought up concerns about internationally imported animals. Commissioner Chair Savage shared they would review the information.

### **Prototyping – New Animal Shelter Facility**

Midget shared that the City was undergoing a prototyping process to envision a new animal shelter as part of the Harvard Bloomberg Innovation Project. As part of the prototyping process, the former Adult Detention Facility was being considered, since it was a City property that was not being used. Midget confirmed that TAW staff had been engaged in this process, this project was still in the preliminary planning phase and that this process served to brainstorm ideas with the Commission, but no final decisions would be made to the shelter. Commissioners shared that the shelter should be calm, welcoming and inviting for the public, as well as safe, designated separate areas for different species of animals, as well as ensuring that the center was functional for TAW staff.

Additionally, Commissioners discussed the possibility of having an external vet care services, including spay and neuter services. Someone from the public said the shelter would need to ensure capacity to serve the public, due to the high need and lack of veterinarians with enough experience working under high volume conditions. Commissioners asked about potential methods of spay and neutering that are more affordable and efficient. Someone from the public shared that there were methods that were being tested in other countries and could potentially be available in the US in the next couple years.

Guests from the public and Commissioners discussed the risk of flooding and would need to evaluate if the risk could affect the safety of animals and the public.

Midget shared that the City's proposed budget for FY 2019-2020 has allocated funding for Phase I which would include a planning and design process.

Commissioner Chair Savage adjourned the meeting at 7:16pm.

