



## TULSA ANIMAL WELFARE COMMISSION

### Tulsa Animal Welfare Commission

**Regular Meeting | December 2<sup>nd</sup> 6:00 pm**  
**One Technology Center 175 East 2<sup>nd</sup> Street Tulsa OK 74103**  
**10<sup>th</sup> Floor North Conference Room**

### MEETING MINUTES

#### Commissioners Present:

Susan Savage  
Christine Kunzweiler  
Cordell Dement  
Robin Ballenger  
Teresa Burkett

#### Staff Present:

Dwain Midget, Director of WIN  
Jean Letcher, Manager of Animal Shelter Luisa Krug, Senior Planner, Tulsa Planning Office  
Patrick Boulden,  
Sarah Davis  
Christina da Silva

Commissioner Chair Savage called the meeting to order at 6:02pm.

#### **Approval of Meeting Minutes from October 7<sup>th</sup>, 2019**

Commissioner Burkett made a motion to approve the meeting minutes, Commissioner Kunzweiler seconded. Motion passed.

#### **Approval of Annual Meeting Schedule for 2020**

Commissioner Chair Savage explained that it is a requirement to post annual meeting schedule, however meeting schedule could change if needed. Commissioner Ballenger made a motion to approve the meeting schedule, Commissioner Burkett seconded. Motion passed.

Commissioner Chair Savage explained that the meeting schedule would be filed and posted by the City Clerk. The annual meeting schedule and meeting agendas can be seen here:

<https://www.cityoftulsa.org/government/authorities-boards-and-commissions/>

#### **Presentation and Action Regarding Proposed Changes to Chapters 1-8 of Title II Animal Ordinance by the City of Tulsa**

Commissioner Chair Savage invited City of Tulsa staff to present on the proposed changes to Title II. Christina da Silva explained how the City staff underwent a deliberate process to review feedback and develop a draft for the Commission to review:

She explained the following steps:

Step 1: Created a document with legal strike throughs to maintain consistency in grammar and clarify what language was being replaced.

Step 2: Definitions related to Chapter 9 Humane Treatment and Care or Chapter 10 Community Cats (community cats, community cat owners, ear tipping, etc.) were removed for further study in subcommittee.

Step 3: Terms that were not used in other parts of the ordinance, (menacing passerby) were removed

Step 4: Terms (tether) that did not align with state law were removed.

Step 5: Remaining terms and definitions were adapted to align with state law and local ordinances.

Step 6: Using feedback from public meetings, review from the City prosecutor, and survey responses, City staff drafted proposed language:

da Silva further explained the changes to definitions:

*Abandonment of an animal* changed to *abandoned* and aligned to state law. The phrase abandonment of an animal is not used in the rest of the ordinance. The term abandoned is used and is also defined by state law

Adding definitions animal bite, animal welfare authority, animal welfare authority, animal welfare center, and animal welfare officer to provide clarity and to align with state statute

Under Animals Wild by Nature, the word *potentially* was added. Now proposed language reads: ... because of its potentially dangerous physical features, or its great size, or its potentially dangerous nature

Removed *at heel* to align with ordinances that will require that owners ensure that their animal be under physical control with a leash

At Large was aligned with language that will require that owners ensure that their animal be under physical control with a leash

Cat was definition was aligned with state law language

Confined on Premises was further clarified and includes language to ensure responsible pet ownership

Dangerous Animal, Dangerous Dog or Domestic Animal, Domestic Dog or Domestic Animal Owner, Director of TCCHD and Director of WIN were aligned local ordinances and state stature. The clarification of these terms also provide support for enforcement purposes

For the term Exemption Permit, da Silva added that this term was included, and would explain further.

Commissioner Savage added that the terms here are for legal definition purposes.

Foster was added to ensure clarity of volunteers who are affiliated with Animal Rescue organizations

She and Her were added to pronouns used.

Hobbyist was deleted because of the changes to the permit system

Immediate family was clarified to help with defining exemption permit process

Intact Animal is defined to give explanation and help with public education and enforcement

Leash is defined and aligned with other parts of the ordinance

Nuisance Animal and nuisance animal owner were clarified to help with public education and enforcement

Owner was clarified to help with public education and enforcement

Commissioner Savage asked about the term immediate family. Patrick Boulden explained that immediate family. Commissioner Burkett added that she was concerned that the term “adopted children” were by default children of their legal guardian.

Commissioner Ballenger asked when the term immediate family is used. City staff explained that it would be used for the proposed animal count permit. Jean Letcher explained that families sometimes request to take in another animal that belonged to a family member, but sometime this means that they over the limit.

Potentially Dangerous Dog or Domestic Animal is defined and aligned with state law

Proof of ownership is defined to help with enforcement and releasing animals from the shelter

Rescue organization and rescuer were clarified to support public education and enforcement

Severe injury was clarified to support public education and enforcement

### **Section 101 Offenses**

Christina da Silva explained that City Staff received a lot of feedback for this section and used it to review the section. In Section A was aligned with other parts of the ordinance.

Any offenses that affected public safety or public health, e.g. refusing to turn in a rabies suspected animal, were changed to have a maximum penalty of \$1200 and six months in jail.

Any offenses that may be considered minor nuisance were assigned maximum penalty of \$500 or less.

Commissioner Chair Savage asked how the City would define City right of way? Patrick Boulden explained that the City has a specific definition for determining right of way, which is approximately 50 feet on a residential street.

Commissioner Kunzweiler expressed concern that an animal could potentially get out and destroy someone else’s property, even if the owner is otherwise very responsible. She wondered if there could be language that could consider if there is any malicious intent. Commissioner Burkett explained that the prosecutor could use discretion if it is an accident or if it is intentional property damage.

### **Section 102**

da Silva explained that the changes in this section were primarily grammar.

Commissioner Chair Savage asked if there is a section that is dedicated to enforcement.

Letcher explained that there is an enforcement section related to this section, but it is in Section 101.

Commissioner Chair Savage asked if this allowed for the City to create an online license system.

Patrick Boulden explained that the ordinance did not prohibit it.

### **Section 103**

da Silva explained that one of the main areas that is being proposed in this section is that the Director of WIN would notify if there is a rabies suspected dog bite that has occurred. Commissioner Kunzweiler explained that when they receive dog that has bitten someone and is rabies suspected, they are quarantined, and they contact the Tulsa Health Department. Letcher explained that they currently have a process as well and if the owner requests to have the animal quarantined in a private facility, they have a special form that is filled out.

Commissioner Burkett asked why there are some offenses that have penalties and others that do not. Patrick Boulden explained that there is a section that clarifies that if there is no penalty defined then there is language that provides a penalty if it is not listed

Commissioner Chair Savage noted that the sections have different topics that change from one to another without much rationale. Letcher explained that there were no changes to the order of the sections.

A provision was made to allow owners quarantine their animal at home if they can prove that their animal has current a current rabies vaccination and was not at large. Language was added to clarify that if an animal is quarantined at home, it would be at the owner's expense and liability.

#### **Section 104 License Fee**

da Silva explained that language for Animal Welfare Authority will annually review fees for services, taking into consideration cost associated for providing these services. All fees would have to be voted and approved by City Council.

Commissioner Chair Savage requested that the language clarify that the Commission advises and make recommendation on fees.

Commissioner Burkett asked why the city would instate a fee. Patrick Boulden explained that fees should be commensurate with the government expense, otherwise, it could be constituted as a tax.

Commissioner Burkett said that she received a lot of feedback on the increase for the exemption permits. da Silva explained that in the proposed ordinance amendments the hobbyist permit would be separated into three different permits. Each permit would have a fee of \$25 for the initial permit and \$10 for renewal permits. Dwain Midget explained that if the Commission wishes, they could request an analysis be done to review the costs to provide the services and enforcement to adjust the fees if needed.

#### **Section 106 Rabies Suspect**

da Silva explained that City staff is recommending a provision was made to allow owners quarantine their animal at home if they can prove that their animal has current a current rabies vaccination and was not at large. Language was added to clarify that if an animal is quarantined at home, it would be at the owner's expense and liability.

Commissioner Chair Savage asked who makes the determination. Letcher explained further that Animal Welfare Department must make the determination if the owner must take the dog to a veterinarian to be cleared. Commissioner Kunzweiler provided that there could be special circumstances that could make home quarantine appropriate, such as if the dog bite occurred at home and there is evidence that the vaccinations are current.

Letcher explained that currently the ordinance reads that if a person is bitten and is taken to receive medical care, a physician must report the animal bite to Animal Welfare. Animal Welfare then goes to the home where the animal is housed and must confiscate the animal for 10 days.

#### **Section 107 – 116 Dangerous Animal, Animal Nuisance, Notice of Impoundment, etc.**

da Silva explained that the changes in this section were mostly focused on grammar changes and language that was made to align with definitions and other sections of the ordinance.

Patrick Boulden explained that the changes were aligned with search and seizure laws. Boulden explained that police officers should be the only ones authorized to enter a property and only if there is a probable cause or if they have a warrant.

Commissioner Ballenger asked how often animal control officers ask for help from police officers. Letcher stated that animal control officers request the assistance on a weekly basis.

### **Section 117 Exemption Permits**

da Silva explained that the current Hobbyist Exemption has several challenges in its current form.

Commissioner Ballenger asked that the intent could be that they could have an unlimited number of dogs.

da Silva explained that the proposed amendment would allow individuals to apply to have more animals than the limit, if they fulfill the requirements.

Letcher explained that the animal count exemption is separated from the intact animal.

Letcher explained that there is third option, of having an animal rescue permit, that allows more than the animal limit and intact animals.

Letcher explained that if the person had 5 show dogs, they would only need to apply for the intact animal permits.

Commissioner Chair Savage asked about property requirements and how the Animal Welfare plans to confirm the property. Letcher explained that property records would be used to confirm the space.

Commissioner Burkett asked about dogs that were in training. Letcher explained that there was a section 2c that references training. Commissioner Burkett recommended that the language is clarified.

Commissioner Chair Savage asked about how rescue groups will pull animals from the animal shelter. Letcher explained that once an animal rescue group takes an animal, they pay a deposit and sign a document confirming that they would spay and neuter the animal. Letcher explained that currently they do not have capacity to follow up with animal rescue groups to see if they spayed and neuter.

Commissioner Ballenger expressed concern that there is a gap where animals are leaving the shelter without being spayed or neutered and not having enough follow up.

Midget explained that according to state law the City should have a process that follows up with rescue groups to ensure that any released animals are being spayed and neutered. Midget explained that the City does need a process in place to verify.

Commissioners discussed the importance of having accountability measures to ensure that rescue groups are in fact spay and neutering animals before they are adopted.

### **Chapter 2 Agricultural Animals**

Luisa Krug, from the Tulsa Planning Office, stated that they had met with Animal Welfare staff and City legal staff. Luisa shared the following changes:

Cows: Removed requirement for 1 acre per cow and changed it to just 1 acre for the pen, lot, or enclosure. This was based on WIN recommendation that cows do not need 1 acre per cow.

Horses: All horses must be registered with WIN now, including on AG zoned property. Based on discussion with WIN and frequency of lost horses—would make it easier to find owners

Commissioner Savage commented that cow is female for cattle. Commissioner Kunzweiler stated cattle is gender neutral.

Poultry: Increased limits to 8 hens and 14 juvenile birds from current 6 hens and 14 juvenile birds. Based on discussion with WIN, the increase to 8 was chosen based on the idea of 2 adult hens per person for an average family of 4. This also aligns with American Planning Association best practices for urban livestock. Proposed amendment also prohibits roosters unless they were owned before this ordinance change and are registered with WIN. Added limits for number of poultry on AG-R, with a possibility to increase as size of AG-R lot increases, to a maximum of 45 hens on 2 acres, based on research from the American Planning Association best practices for urban livestock.

Commissioner Savage asked what the proper disposal for chicken waste would be. Letcher explained that the floor of the building should be able to be cleaned and include a proper disposal. If it becomes a nuisance Tulsa County Health Department or Water Quality Departments are contacted.

Commissioner Kunzweiler suggested that language could be consistent with horse waste disposal.

Commissioner Burkett recommended a catch all phrase for all animal waste disposal.

Krug further explained that under rabbits there was language to Add limits for number of rabbits on AG-R, with a possibility to increase as size of AG-R lot increases, to a maximum of 20 adult rabbits on 2 acres. This was based on research about commercial operations which identified approx. 25 adult rabbits as the number needed to start a small-scale commercial operation.

Krug also said that as point of discussion she included language for allowing Vietnamese pigs.

Commissioner Kunzweiler asked if there was research on miniature horses. Krug mentioned that there was not much research on this specific topic but mostly found that most cities allowed only one and they needed to be registered.

Commissioner Chair Savage asked about Section 201-part D where it provides language for the right of entry for inspections. Jean Letcher explained they have not had many issues related to racing pigeons.

Letcher informed the Commission that she did not recommend that that Vietnamese potbelly pigs be included. They have seen many people accidentally buy a pig, thinking it will remain under 150 lbs, however they generally grow to be more than 200 lbs when they become fully mature.

### **Chapters 3 – 8**

da Silva reviewed the changes in the other chapters.

Letcher stated that for Section 403A, city staff sometimes euthanizes animals other than domestic animals.

Letcher explained that the city staff are certified and trained to euthanize animals, including some wild animal.

Boulden recommended changes to make sure that ordinance is consistent in reference to dangerous animal.

Commissioner Kunzweiler noted that offense regarding reptiles should not include imprisonment.

Commissioner Chair Savage asked for Sarah Davis to read the items that were discussed:

#### Chapter 1

- Amend definition of Immediate family to delete the word adopted
- Order of Sections – specifically move the rabies sections together and then following the licensing sections – particularly as to Sections 103, 105, and 106

- Throughout the ordinance – reflect commissions role of review and recommend to council on language addressing fees
- Amend Section 117(A)(1)(a) and (b) – to clarify subject to the training exception pursuant to 2(c)
- Amend Section 109E2 and E7 – Provide proof of sterilization w/in 120 days – including obtaining recs from City legal about accountability options (permit revocation and criminal penalties)
- Delete gender pronouns from the definition section

#### Chapter 2:

- Change to cattle or define cow (clarify to make not gender specific). Include the specific species.
- Address waste disposal for all species
- Change provisions referencing “fowl” to “poultry”
- Remove provisions related to pot belly pigs

#### Chapter 4

- Section 403 – A certified euthanasia tech has the ability to euthanize any animal, provided that all individuals authorized to euthanize under this section shall comply with applicable state and federal laws and regulations

#### Chapter 6

- Ensure that language on vicious animal vs Dangerous Animal not conflict– harboring dangerous animals and confining a dangerous animal

#### Chapter 7

- Section 700 – Delete word “imprisonment”

Recommendation to Council – to reorganize changes to make easily readable for the Council review (once the Council approves the content).

Commissioner Chair Savage also added that she would like an opportunity to share recommendations with City Council.

Commissioner Chair Savage opened the meeting for public comment.

Commissioner Burkett made a motion to recommend that the mayor’s office and city council consider the changes to the Animal ordinance as proposed, including the changes recorded by Sarah Davis. Commissioner Dement seconded the motion

Commissioner Kunzweiler asked if there could be any potential language that could allow an exemption for owners to maintain an intact animal if they are a champion but not participating in a sport. There was discussion on possible ways to prove that an animal is a champion that won a previous competition. Letcher explained that current ordinance does not allow for breeding animals. There was discussion to see if there was a way to separate owners of champion dogs who want to retire and owners who want to breed their dogs indiscriminately.

Commissioner Chair Savage called a vote. The motion passed.

Commissioner Chair Savage commented that she would like to open a discussion on creating subcommittees. Subcommittees would first focus on legal questions on trap -neuter-release and animal cruelty issues.

Meeting was adjourned at 10:34pm.