CITY COUNCIL STUDY SESSION MINUTES

March 1, 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 1st day of March, 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 Allison, Castleberry, Heiple, Holman, Lang, Miller, Mayor Pro Tem Jungman
ABSENT:	Councilmember Williams and Mayor Rosenthal

Item 1, being:

DISCUSSION REGARDING THE PROPOSED AMENDMENTS TO THE ANIMAL WELFARE ORDINANCE, MORE SPECIFICALLY, EXOTIC ANIMALS.

Mayor Pro Tem Jungman said tonight's meeting will be discussion on the proposed Animal Welfare Ordinance, specifically, exotic animals and recognized Mr. Victor H. Hutchison, PhD., who was in attendance.

Mr. Jim Maisano, Deputy Police Chief, said a Study Session was held on February 2, 2016, reviewing proposed amendments to Chapter 3, and Animal Control and Council recommended the ordinance move forward for full Council consideration. He said during the miscellaneous comment period at the February 9, 2016, Council meeting, several citizens expressed concern regarding the proposed animal welfare ordinance changes, specifically, Section 3-118, Exotic Wildlife and Native Wildlife.

Deputy Chief Maisano said a number of local citizens have expressed opposition to the definition of "exotic wildlife and native wildlife" and the inclusion of language banning anacondas, boas, and pythons. Concerns included how the proposed language would impact a significant number of citizens who already own these types of snakes, how snake owners are usually responsible pet owners, and how snakes are less of a public safety risk than dogs and other animals.

Deputy Chief Maisano said there are differences of opinions regarding exotic animals and how they are kept to include the following:

Humane Society of the United States (HSUS):

- Large constrictors should not be kept as pets;
- Since 1990, 12 people have died from constrictor snake related incidents;
- Majority of owners keep the snake less than one year; and
- Some snakes die as pets due to poor care – snakes may require special care.

United States Association of Reptile Keepers (USARK):

- Largest support group for reptile keepers;
- Assist in lawsuits they believe discriminate against reptile owners;
- Support proper care, enclosures, and responsible ownership practices; and
- Provide management practice suggestions.

Oklahoma City Herpetological and Invertebrate Society (OCHIS):

- 501(c)(3) non-profit organization;
- Dedicated to educating Oklahomans about reptiles, amphibians, and invertebrate;
- Support proper health and care, public safety, use of proper enclosures, responsible ownership practices and educational activities;
- Includes several Norman members;
- Oklahoma has two (2) internationally recognized snake breeders;
- Available for training to animal shelter Staff on how to safely respond to snake calls and how to safely contain or relocate snakes;
- Available to assist in snake related service calls;
- Can assist in investigation of cruelty cases involving snakes; and
- Will provide free educational classes for the public.

Deputy Chief Maisano highlighted the Oklahoma State law(s) related to anacondas, boas, and pythons stating most states do not regulate non-venomous snakes; seven (7) states restrict these types of snakes; some allow possession with a state permit; Oklahoma does not regulate possession of exotic snakes; and Oklahoma allows possession, breeding, and raising of "native" snakes, including venomous, with a state license.

Deputy Chief Maisano said nationwide, some communities have some type of restriction on at least one type of constrictor snake and very few address non-venomous snakes or have a total ban on constrictor snakes. He said some municipalities allow possession with a local permit as follows:

- Stillwater: no definition of exotic animals and limits snakes longer than 15 feet or over 40 pounds,
- Oklahoma City: excludes all venomous reptiles including, without limitation, Gila monsters, beaded lizards, and venomous snakes; and any anaconda, and
- Tulsa: allows a number of reptiles, including boas and pythons; excludes any venomous.

If Council desires to allow anacondas, boas, and pythons the following provisions should be evaluated:

- Whether to require responsible and proper care for the animal,
- Whether to require safeguards and protections from unsafe or unwanted contact by another person, and
- Whether to require proper enclosures or containers.

Deputy Chief Maisano said the following can be included in an Ordinance amendment:

- Animal cruelty may apply if the person fails to provide or deprives the animal of any care,
- Nuisance animal may apply if the animal threatens the safety of or injures a member of the general public, and
- Dangerous animal may apply if the behavior constitutes a reasonable risk of injuring the animal or human.

Deputy Chief Maisano said if a snake were to bite a person there would be an investigation and the results of the investigation could declare that the snake is a dangerous animal. He said if that were the case, most of the provisions of the dangerous animal ordinance could apply which could require the person to: 1) obtain a permit; 2) post the property; 3) obtain insurance; and 4) possibly have to micro-chip the snake.

Deputy Chief Maisano requested Council guidance on whether to table the ordinance, remove amendments regarding snakes as exotic animals, maintaining the status quo on those provisions, while moving ahead with other changes to the Ordinance, or bring draft changes to Ordinance O-1516-18 regarding exotic wildlife for Council consideration at the March 8, 2016, Council meeting.

Councilmember Miller asked whether anacondas could be more dangerous than pythons and/or boas, and if so, should there be specific requirements/restrictions for anacondas. Deputy Chief Maisano said anacondas, constrictors, and boas are all considered dangerous animals since there is currently not a definition for exotic animal(s) in the City ordinance. He stated that most people only keep constrictors and boas as pets, not anacondas. Councilmember Miller felt the concern is "what is" and "what is not" dangerous and asked why anacondas are considered more dangerous than a constrictor and/or boa. Deputy Chief Maisano said he did not know the answer to that question, but that is precisely why Staff considered all constrictor-type snakes as dangerous animals and reminded Council that the ordinance language still prohibits all venomous snakes.

Mayor Pro Tem Jungman asked for Council input as to what direction to take regarding this topic. Councilmember Castleberry asked Staff for clarification when this issue came up at the Animal Welfare Oversight Committee (AWOC) and Deputy Chief Maisano said there was a comment made that a lot of people have ball pythons and should an exception be considered; however, the AWOC decided to not make any recommendations to change the language at that time but reserved the right to consider recommendations in the future regarding constrictor snakes. Councilmember Holman said he attends the AWOC meetings and the focus was on dogs and/or cats. He felt the constrictor snake issue was such a small piece of the language proposal and most do not really know a great deal about snakes in general. Deputy Chief Maisano said the only item in the definition for exotic animals is in Line E, which lists anacondas, boas, and constrictors.

Councilmember Holman said he would like the ordinance proposal to move forward without the language regarding snakes as wild animals and Councilmember Castleberry agreed. Councilmember Miller and Allison asked whether or not Line E could be pulled out of the proposed language and, if necessary, obtain further information on constrictor snakes so this issue can be discussed in further detail at a later time. Councilmember Allison felt there are too many components regarding snakes to attempt to draft ordinance language tonight; however, having 20 to 30 snakes in one house without some type of permit is not acceptable. Councilmember Lang and Jungman also felt the ordinance needed to move forward without the language regarding snakes as exotic animals.

Councilmember Holman asked if the City had any restrictions and/or ordinances that address snake breeding and Deputy Chief Maisano said no, there is not language that addresses breeding for any type of animal, including cats and dogs. He said the ordinance addresses the number of cats and/or dogs in a home.

There was no consensus to continue additional discussion regarding further regulations for snake owners.

Items submitted for the record

1. Memorandum dated February 25, 2016, from Deputy Chief Jim Maisano, through Steve Lewis, City Manager, to Honorable Mayor and Councilmembers
2. PowerPoint presentation entitled, "Study Session, Exotic Animals," dated March 1, 2016
3. Comments for Study Session on Snake Ban dated March 1, 2016, from Victor H. Hutchison, PhD.

The meeting adjourned at 5:57 p.m.

ATTEST:

Brenda Hall

City Clerk

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

Cindy Rosenthal

Mayor