

Meeting Minutes

Public Protection Committee

Monday, October 8, 2007, 6:24 P.M.

Lincoln Center, 1519 Water Street

Present: Alderpersons: Stroik, Trzebiatowski, Slowinski, Heart, Brooks.

Also Present: Mayor Halverson; City Clerk Moe; C/T Schlice; City Attorney Molepske; Ald. Walther, Hanson, Wiza, Molski, and Moore; Chief Barnes; Chief Morris; Capt. Ruder; Director Gardner; Director Schrader; Director Halverson; Assessor Siebers; Jeff Hild; Specialist Jakusz; Alex Saunders; Marshall Lee; Scott Wiza; Anya Wrycha; Deb Wrycha; Carole Cassidy; Tim Cassidy; Kathy Hermann; Jeff Haessly; Tricia Church; Gene Kemmeter (Gazette); Jason Zencka (Journal).

Index to these minutes:

1. Recommendation on license list: A. New Operator's (Bartenders) Licenses. B. Transfer of "CLASS B" Combination License: Stanley L. Slusarski, 441 Second Street North, City and Debra R. Zinda, 3416 Soo Marie Avenue, City at Stash's Little White Inn, 441 Second Street North, Stevens Point, WI. (formerly Stanley Slusarski, an individual to a partnership)
2. Consideration of Ordinance Amendment - Keeping Animals.
3. Consideration of request from Scales and Tails, 200 Division Street # J, to sell various wild animals.
4. Consideration of request from Norman Chandler, 1256 Washington Avenue, to raise a tarantula, Iguana, Gecko, Blue Tongue Skink, and a Bearded Dragon.
5. Consideration of renewal of special permits to raise wild animals: A. Continue to keep rabbits - Jeff Haessly, 2149 Rice Street. B. Continue to keep rabbits - Anya Wrycha, 1916 Welsby Avenue.
6. Recommendation of the monthly Inspection Report: A. Construction Starts. B. Violations.
7. Adjournment.

1. Recommendation on license list:

A. New Operator's (Bartenders) Licenses.

B. Transfer of "CLASS B" Combination License: Stanley L. Slusarski, 441 Second Street North, City and Debra R. Zinda, 3416 Soo Marie Avenue, City at Stash's Little White Inn, 441 Second Street North, Stevens Point, WI. (formerly Stanley Slusarski, an individual to a partnership). Ald. Trzebiatowski moved, seconded by Ald. Slowinski, approval of the 56 new Operator's licenses and the Transfer of "CLASS B" Combination License: Stanley L. Slusarski, 441 Second Street North, City and Debra R. Zinda, 3416 Soo Marie Avenue, City at Stash's Little White Inn, 441 Second Street North, Stevens Point, WI. (formerly Stanley Slusarski, an individual to a partnership). Ayes, all; nays, none; motion carried.

2. Consideration of Ordinance Amendment - Keeping Animals.

City Attorney Molepske noted that he did not address the Pit bull/Rottweiler issue. It was the consensus of a meeting with the Humane Society not to go in that direction since the real issue is one of ownership and not breed. The amendment does place a limit on the number of dogs and cats, he limited the number to three, but the number is up to the Council. Limits of farm animals are based on each situation. In terms of wild animals, the Council could change the language to say dangerous wild animals which would allow other animals.

City Attorney Molepske stated that if the committee wished to address this issue of keeping rabbits at this meeting they could just strike the word "two" from the current ordinance. That would allow an unspecified number.

Ald. Stroik read the "purpose" section of the ordinance amendment that states that, "Wild animals are inherently dangerous and do not adjust well to a captive environment." He asked the City Attorney if he was saying that only some wild animals are dangerous and if that didn't bring the committee back to the catch twenty-two.

City Attorney Molepske stated that would be addressed by the creation of a subcommittee made up of a representative of the Humane Society, a vet, and a member of the committee or member of the public to address the issue of whether an animal/species is dangerous.

Ald. Wiza read sections of a letter from John Quirk, a constituent. Mr. Quirk is in opposition to the limits being placed on the number of dogs and cats a person can have. With the letter he also presented documents from the American Kennel Club supporting his position. Ald. Wiza also felt that things have been overcomplicated. He believes that it is not whether a species is inherently dangerous; the issue is irresponsible pet owners. The City should find a way to punish irresponsible pet owners. He requested a pared down ordinance with a good definition of what is a wild animal, allow the person to apply for a permit and prove they can be a responsible pet owner. If the pet owner fails, the permit can be pulled.

Scott Wiza, Portage County Humane Officer, asked that if special permits are granted that Humane Officers be given the authority to inspect the living conditions if they have cause and pull a permit if they deem it necessary.

Ald. Trzebiatowski asked if under state statutes ferrets are classified with cats and dogs.

Marshall Lee, Portage County Humane Society, said that was correct.

Ald. Trzebiatowski said the limit of three cats or three dogs will be controversial and perhaps a limit should be one covering the total number of animals. He also felt the creation of a subcommittee was a good idea and that the Humane Society should be apart of it. As for the pet rabbit issue, he would like to have the number struck from the current ordinance and send the proposal back to the City Attorney to work out the details.

City Attorney Molepske said that would solve the problem.

Ald. Trzebiatowski, moved, seconded by Ald. Slowinski, to strike the entire line in Section 21.03 referencing the number of animals (21.03(16)(3)).

Ald. Heart stated for clarification, that the current motion does not deal with the definition of wild animals. Looking at the definition of wild animals, Mr. Chandler does not need a permit for a majority of those animals.

Ald. Stroik asked under the proposed amendments, under exceptions, a person licensed by the state under Wis. Stats. Ch. 169. could Scales and Tails ultimately be licensed by the state and sell those animals even though they are outlawed by the City.

City Attorney Molepske stated that the City would still have home rule.

Ald. Stroik asked if the ordinance amendment, if adopted, would not allow Scales and Tails to sell any of the animals listed.

City Attorney Molepske stated that was correct.

Ald. Wiza suggested a temporary solution would be to add to the definitions non-indigenous animals.

Ald. Heart said she likes the proposed ordinance amendment with a couple of changes. She believes that permits may not be needed for some of the smaller animals.

Comptroller/Treasurer Schlice noted that if the ordinance is amended as proposed that eleven people in the City would not be in compliance with the limits on cats and dogs.

Ald. Trzebiatowski asked the City Attorney if the problem would be solved by striking the sentence and then adding, "Any animal other than a domesticated animal is subject to a permit from the City of Stevens Point at approval by the Public Protection Committee." This would be so that any animal other than a dog, cat or ferret would require approval from the committee and the Council.

For the City have a section to allow wild animals through the approval of the committee based on type of wild animal, territory needed, characteristics of the animal as it relates to neighboring properties and consideration of the number of wild animals granted under the permit. He believed that would solve the problem temporarily. As for farm animals, the City could add in the ability of the applicant to care for the animals.

Ald. Wiza said if domesticated animals are defined as dogs, cats and ferrets then that would eliminate birds and fish. If you pass the amendment with the word "domesticated" then keeping these animals would be in violation.

Marshall Lee said that there is no quick solution to this. What the Humane Society is looking for is the protection of people and the humane treatment of animals. The best way to police that from their perspective is to have a plan in place where people need permits for special situations. We are not interested in limiting domesticated animals or fish etc. Those are pets that people have in their homes and they are not the pets causing the problems.

He requested that a permit process be in place where people have to get a permit and have it in hand in order to purchase one of these animals.

Ald. Brooks said that he would like to see the ordinance split between the different types of animals. He believes there should be a section on domestic animals, farm animals, and wild animals that specifies whether a permit is needed, if there is a limit on the number allowed and who has approval authority.

City Attorney Molepske said that he believes that if the committee eliminates the number, they are not eliminating the permit. By eliminating the limit under 21.03, a person is still required to obtain a permit and that takes care of the problem.

Mayor Halverson asked Marshall Lee and Officer Wiza if they thought exotic and wild animals should be allowed in the City or should they be allowed with a specified permit process.

Marshall Lee and Officer Scott Wiza said yes to both. Officer Wiza added that he would like both Mr. Lee and himself to be members of the subcommittee because of their backgrounds.

Tim Cassidy, 240 Meadow Street, agrees with Mr. Wiza in regards to having to obtain a permit. One part of the problem is the lack of knowledge about animals. As a pet store owner he believes that it is important to keep up since every few weeks there is a new animal coming into the pet trade. He suggested that someone from the University also be on the subcommittee.

Ald. Moore asked that the ordinance be read with the limit struck.

Mayor Halverson reviewed the ordinance.

Ald. Stroik reiterated that any farm, wild or dangerous animal would need a permit from the City. Permits would be provided at the discretion of the committee.

Ald. Wiza believes the current ordinance definitions of a farm, wild or dangerous animals are insufficient.

Ald. Moore asked if the purpose of the committee meeting that night was to make a permanent change in the ordinance or was it to make a temporary fix to allow action on the following items on the agenda and have the ordinance brought back again.

Ald. Stroik replied all of the above. The ordinance needs to be fixed until some point in time where it would come back to the committee for revision.

Ald. Trzebiatowski said that he did not believe the Humane Society or the Police Department is going to go around into the nursing homes and check the birds in the aviary or go into people's homes checking for fish tanks. If the committee did a blanket inclusion of fish or fowl the City would be including birds of prey and piranha. He urged caution in how they proceed. He felt that the purpose was to address the situations before the committee that evening so the motion is adequate and allows more time to develop a comprehensive proposal.

Ald. Wiza asked the City Attorney Molepske in his opinion, if the motion on the table was to pass, would someone need a permit for a tarantula, iguana, gecko, blue tongue skink, and a bearded dragon.

City Attorney Molepske replied yes

Called for the vote: Ayes, all; nays, none; motion carried.

3. Consideration of request from Scales and Tails, 200 Division Street # J, to sell various wild animals.

Ald. Heart moved, Ald. Brooks seconded, approval of the request from Scales and Tails, 200 Division Street # J, to sell various wild animals (contingent upon the ordinance amendment passing at Council). Ayes, all; nays, none; motion carried.

4. Consideration of request from Norman Chandler, 1256 Washington Avenue, to raise a Tarantula, Iguana, Gecko, Blue Tongue Skink, and a Bearded Dragon.

Marshall Lee and Officer Wiza expressed the same concerns they shared with the committee last month regarding Mr. Chandler.

Ald. Stroik noted that Mr. Chandler did not provide proof of liability insurance to the City Clerk's office.

Ald. Trzebiatowski moved, Ald. Slowinski seconded, to deny the request from Norman Chandler, 1256 Washington Avenue, to raise a Tarantula, Iguana, Gecko, Blue Tongue Skink, and a Bearded Dragon based on his past performance history.

Ald. Brooks asked the Humane Society what will happen to the animals.

Marshall Lee replied that they can be sent to other Humane Societies who have room or zoos if they are interested.

Call for the vote. Ayes, majority; nays, minority; motion carried.

5. Consideration of renewal of special permits to raise wild animals:

A. Continue to keep rabbits - Jeff Haessly, 2149 Rice Street.

B. Continue to keep rabbits - Anya Wrycha, 1916 Welsby Avenue.

Ald. Trzebiatowski moved, Ald. Heart seconded, to approve the continue to keep rabbits - Jeff Haessly, 2149 Rice Street and continue to keep rabbits - Anya Wrycha, 1916 Welsby Avenue contingent upon the ordinance amendment passing at Council. Ayes, all; nays, none; motion carried.

6. Recommendation of the monthly Inspection Report:

A. Construction Starts.

B. Violations.

Ald. Stroik moved, Ald. Slowinski seconded, approval of the Monthly Inspection report and to have it placed on file. Ayes, all; nays, none; motion carried.

Adjourned 7:39 p.m.

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