

Safety Committee Minutes

Honorable Council
City of Newark, Ohio
July 11, 2017

The Safety Committee met in Council Chambers on Monday, July 10, 2017 following the Personnel Committee with these members present:

Mark Fraizer, Chair	Jonathan Lang
Jeremy Blake	Carol Floyd
Jeff Rath	

We wish to report:

1. **Ordinance No. 17-29** amending chapter 812 of the codified ordinances of the City of Newark, Ohio to prohibit the use of any wild or exotic animal for purposes of amusement or entertainment in or at certain functions was considered.

Mr. Fraizer- to begin I want to read through the initial part to make sure on the record we have a clear understanding of the legislation. Whereas, on various occasions the City of Newark has played host to certain events or shows, such as a travelling circus, wherein wild or exotic animals are used for the amusement and entertainment of the guests in attendance; and, Whereas the presence and potential mistreatment of such wild and exotic animals at these travelling shows creates the risk of escape and the possibility that such wild animals might cause serious physical harm to the persons in attendance at any such travelling show; and, Whereas, various animal rights organizations have investigated such wild and exotic animal shows and have found them to involve repeated instances of animal cruelty, inhumane treatment, abuse, and neglect beyond which this Council finds tolerable for the treatment of any living creature; and, Whereas, travelling circuses and other shows which employ wild or exotic animals promote training and transportation techniques that are not consistent with animal conservation and education and have been shown to pose specific risks to public safety and to the welfare of the public in regard to the containment and display of such wild and exotic animals; and, Whereas, communities across the State of Ohio and throughout the country are examining the ethical questions surrounding the confinement and treatment of such wild and exotic animals by the aforesaid travelling shows and have either enacted or are debating the enactment of prohibitions similar to that contained herein; and, Whereas, this Council wishes to be proactive in the preservation of the health and safety of its citizens and any visitors who might attend any such travelling show as well as to not allow or encourage the abuse or mistreatment of any wild or exotic animals within its borders or with its direct or tacit approval; and, Whereas, this matter was considered by the Safety Committee of Council. The

major update is in Section 812 section 1 no license shall be issued to any applicant for any circus, carnival, or menagerie that includes the display, presentation, or use of any wild or exotic animals as defined herein or in which wild or exotic animals are required to perform tricks, fight, or participate as accompaniments for the entertainment, amusement or benefit of an audience. It shall be unlawful for any person to present, cause to be presented, or allow the presentation of any performance of any wild or exotic animal on any public or private property within the city. Wild and exotic animals are defined as any animal, wild by nature, predatory or not, as distinguished from the common domestic animals including any nondomestic or hybrid creature, whether or not it was bred in captivity, including but not limited to elephants, lions, bears, tigers or other such nondomestic animals. I have the pleasure to introduce Mr. Harrison with the Outreach for Animals, he is nationally renowned and has presented before the Delaware City Council when they faced a similar issue.

Tim Harrison, Outreach for Animals- Outreach for Animals is a non-profit organization made up of a group of Police Officers, Firefighters and paramedics. He discussed the Zanesville massacre that occurred as well as other incidents where exotic animals got loose and the effects it has on the emergency response personnel. He stated that we have to think about public safety and people contracting diseases from the animals.

Mr. Fraizer- when it comes to the cruelty of the animals that you currently have on the books. I am going to read them off and I want to know if you think they apply to circuses and specifically the Carson and Barnes Circus. Torture of an animal, deprive it of a necessary substance, unnecessarily or cruelly beat, needlessly mutilate or kill, or confine or impound an animal without sufficient good wholesome food and water.

Tim Harrison- that is part of training and if you don't believe me investigate it yourselves. They do that as training if you don't act properly we're not going to feed you that night and we're going to put you in a small cage. If you are shaking your head then you probably haven't been to a circus, you've never been to where people train these animals. It is horrible. The guy that used to be Ringling Barnum and Bailey Circus elephant trainer works with us now.

Mr. Fraizer- the next one is impound or confine an animal without affording it during the confinement access to shelter from wind, rain, snow or excessive direct sunlight if it can be reasonable expected that the animal would otherwise become sick or in some way suffer.

Tim Harrison- in Kentucky just two months ago there were 15 tigers in a semi-trailer and the circus said they didn't know where they came from. They were just left on the interstate in Kentucky in a trailer. The truck broke down and they just walked away from it, they couldn't figure out whom to cite.

Mr. Fraizer- carry or convey an animal in a cruel or inhumane manner.

Tim Harrison- think of it this way, a tiger needs 5 miles of a pattern to walk to be comfortable, his whole life of a circus tiger on a traveling is in a 20X20 cage and the UDA said that is fine. Tiger are 10-12 feet long, he can't even turn around. That is why they attack someone they are a time bomb. They are waiting for an opportunity to pay that individual back for slapping him, electrode shocking him and we all know what they do to elephants.

Mr. Fraizer- can you tell us what they do to the elephants?

Tim Harrison- they have a sharp hook they train with and hook them behind the leg or ear where there is soft tissue. All you have to do is go to the circus and watch them they will still have a hook. I just closed one around Pennsylvania because a guy wasn't allowed to be around

elephants and he still was. They have a round one when they are walking then around and the elephant moves right along because it thinks it is the sharp one coming at them. What we did in Delaware and Willow Lake Ohio was tell them they could bring their elephants but not to bring their hooks and they said they couldn't do it we can't work with the elephants without the hooks.

Mr. Fraizer- keep animals other than cattle, poultry, fowl, swine, sheep or goats in an enclosure without wholesome exercise or chance of open air.

Tim Harrison- the thing with the exercise is this, look at a tiger or leopard videoed in the wild when they move you will see every muscle. Look at a tiger in the circus they are atrophied. What I mean by atrophy is there is just fur you'll see muscle every once in a while.

Mr. Fraizer- would you say based on your experience and the legislation in 17-29 what is the benefit by passing this?

Tim Harrison- first the benefit is for the animal, the benefit is also to educate your public because I think the majority of people are saying we're tired of this. I'm tired of you abusing an animal to entertain us. It's not just tree huggers or organizations like that it's organizations like ours that are outdoorsmen who think this is ridiculous. I have a guy who big game hunts big cats and he is fighting to close down circuses. It also benefits you financially.

Mr. Fraizer- in your professional opinion does Carson and Barnes abuse their animals?

Tim Harrison- I think they are stepping up because Ringling Brother has stepped away. The big ones have stepped away now the little ones are starting to pick up and the sad part about the little ones you think the animals are being treated cruel with Ringling Brothers they have more money, they are not treated nearly as bad as these little circuses are. We need to stop thinking about this is history we have been doing this for years; we also do a lot of things for years that weren't right. Now it is time for us to step up, if you want to bring your circus I'm big for the circuses just don't abuse the animals. Don't risk your city or county in a potential lawsuit.

Mr. Fraizer- do you think this law enables a proactive approach to the treatment of animals and a reduction in animal cruelty?

Tim Harrison- yes, big time. One of the things is you're going to be following what Delaware did but you're actually stepping up because you're talking about pass it where other states are just discussing it.

Sharon Sleet- I am sure the gentleman who preceded me intentions are honorable but just because he said something doesn't make it true. I was a Ringling Barnum and Bailey's showgirl for five years. I lived on the train. I lived with the elephants; I rode elephants and helped raise tiger cubs. I helped groom camels. I never saw a bullhook sharpened the way he was talking about for the elephants. I never saw cruelty. Five years, three shows a day on Saturdays, two shows a day the rest of the time, 10 months out of the year. If there was a shortage of food the owner, the act people would go without before the animals. I think this is all totally misguided. An elephant or a tiger is like a Mercedes you don't park it next to the salt water you take the best care of it you can. It is their livelihood, their children livelihood. I never saw an animal mistreated. In 146 years we never lost anyone in the audience to my knowledge. If you were thinking about importing a circus out of South America perhaps, this is the United States. Carson Barnes has a retirement area for the animals; Ringling Brothers has an elephant conservation center. It's not some trashy business that should be hidden under a hat. I was also a volunteer for 10 years at the San Francisco Zoo their animals were taken care of at a lower

level than the circus actually the circus took better care. I like four legged creatures better than two and I couldn't have stayed in the circus if I saw animals being treated cruelly. I think Mr. Fraizer should make up for the Kiwanians lose. I was going to come to the meeting and offer to pay the fee for the circus but I can't believe they folded and were afraid of everybody. I think that it is better to give the circus performers places to play, kids' appreciation for animals they don't see and they do learn and it does save lives. If you're going to go down the other road I suggest you get Jack Hannah in here and talk about the zoo.

Corey Roscoe, PO BOX 82494, Columbus Ohio- I am the Director for the Ohio State Humane Society of the United States, the nation's largest and most effective animals protection organization. On behalf of our Ohio members I am here to strongly support Ordinance 17-29 to prohibit the use of wild and exotic animals for purposes of amusement or entertainment in the City of Newark. With all that we know about the rich and complicated lives of elephants and tigers and other wild animals it is clear that life in the circus or other traveling shows are nothing but misery for them. They are denied everything that is natural and important to them. They are trained with punishment, pain and bullied to perform unnatural and silly tricks and endure extreme confinement for months of grueling travel each year. The bull hooks, electric prods, whips and muzzles used to train and control them are clear evidence that the animals are not willing participants. Animal welfare concerns are well documented and many if not most exhibitors with wild animal acts have been repeatedly cited for serious violations of the Federal Animal Welfare Act. Carson and Barnes Circus which has appeared in Newark on numerous occasions have a long history of abysmal animal care and multi incidents of animals running amuck. A year ago Carson and Barnes was assessed the penalty of \$16,000.00 for multiple charges of failure to safely handle elephants and its most recent elephant escape just occurred last month. The use of wild animals in circuses also poses a threat to the public safety. Animal protectors can't protect themselves let alone the general public when a wild animal decides to rebel. Escaped tigers have roamed through performs arenas and frightened circus goers, injured and killed their trainers in front of horrified spectators. In two instances rampaging elephants were killed by police in a hailstorm of bullets also putting the community in jeopardy. As we have also heard from Mr. Harrison elephants can pose a public health risk. Captive elephant population is effected with tuberculosis yet many captive elephants remain to be in close contact with the public putting adults and children at risk for this highly contagious disease. Increasingly shows that use wild animals are no longer considered good old fashioned family entertainment. To date two states and more than 125 municipalities have passed legislation addressing this issue. It might seem like the City of Newark is going out on a limb but sometimes you have to go out on a limb to do the right thing. I think what this community does in the case of ordinance 17-29 could be inspiring and motivating for other City Council Members who are scared to be the first ones to do it. I think your witness to the cruelty will help other communities do the right thing.

Mr. Fraizer- what I have tried to show here is in fact the use of the circus violates existing laws that we have on the books related to animal cruelty there is just a subsection in which these animals are not covered and what this tries to do is rectify that situation where we say in fact in sort of exotic animal performance by a circus, carnival, menagerie involves some level of cruelty to animals whether it is the scheduling, the transportation, whether it is the housing, the food

or the access to food or whether it is the treatment. What I hope is that this committee will pass this on to full Council.

Motion to send to full Council by Mr. Fraizer

There was no second Ordinance 17-29 died in committee do to the lack of action by the committee.

Mark Fraizer, Chair