

Safety Committee Minutes

Honorable Council
City of Newark, Ohio
November 27, 2013

The Safety Committee met in Council Chambers on Monday, November 25, 2013 following the Finance Committee meeting. These members were present:

Marc Guthrie, Chair
Jeff Rath
Bill Cost Jr

Carol Floyd
Rhonda Loomis

We wish to report:

1. Consider **Ordinance No. 13-41** amending chapter 618 of the codified ordinances of the city of Newark, Ohio to exempt certain dogs from the initial enhanced requirements relative to dangerous and vicious dogs was considered.

Mr. Guthrie- we only have one item to consider this evening, Ordinance 13-41 and I would like to begin by giving the sponsor of the ordinance Mrs. Loomis the opportunity to make a presentation.

Mrs. Loomis- I just wanted to let you know for starters, this was on everybody's agenda sheet, this is not legislation to remove Pitt Bulls from the City's breed specific language. We covered that already this year and it went down. We don't remove any vicious breed and at this point Newark considers Pitt Bulls to be vicious. This came about late September maybe early October. I was at a neighbor's door, they thought that I was there to serve them a misdemeanor and once I heard their story these citizens came up with what I think is a fair and equitable solution to what they ran into with Toby Wills and Animal Control.

Matt & Amy Frischen- 949 W Church St, stated he is an owner of a Pitt Bull. He believes viciousness is learned and that not all Pitt Bulls should be removed from the vicious dog list but there are those who are family pets and do not deserve that vicious dog title. He suggested the way this could be proven would be for Pitt Bulls to take a 10 step Good Citizen test that the AKC has. If Pitt Bulls passed the test he thought they should be taken off of the vicious dog label that Newark has.

Mrs. Floyd- asked how long the training was, and if they were lessons

Matt & Amy Frischen- stated that the dogs go through training in order to get them ready for this test. She said there are several local veterinarians that offer the training necessary prior to the AKC test.

Mr. Rath- stated that there were 2 trainers and certified examiners in the audience which he had asked to attend. He stated that he didn't know them and hadn't met them but they were from Newark and that they administer this AKC test. He suggested that some of the questions being asked could be asked of them as well.

Mr. Cost- asked the Frischen's about whether insurance companies were recognizing that test as a way to insure homes with a Pitt Bull

Mrs. Frischen- stated that she heard some major insurance companies were recognizing the test as a way to reduce premiums for Pitt Bull owners.

Mr. Guthrie- asked about the cost of the 10 part training

Amy Frischen- about \$500.00 for the training and then whatever the test cost

Savannah Boley- 214 Rugg Ave, stated she owns a Pitt Bull and that she works with an insurance company that does offer discounts for AKC registered dogs and dogs going through therapy. She was in support of Ordinance 13-41 and felt it was a great compromise.

Pat Smith- 233 Price Rd, she is AKC certified trainer and evaluator. She stated that she trains with Licking River Kennel Club which is a non-profit group. She stated that they have two training sessions one in the fall and one in the spring that are 8 weeks long. At the end of the 8 weeks the dogs are eligible to take the Canine Good Citizen test. They work with the owners and their dogs they don't take dogs that are already a problem and work with them those types of situations are referred to private trainers. She stated the cost is \$70.00 for the 8 week session and that includes the Good Citizen test.

Mr. Guthrie- asked if they had Pitt Bulls go through their sessions

Pat Smith- stated that they had a few Pitt mixes.

Mr. Rath- asked what the odds of a dog passes the test if they had not been through any training at all

Pat Smith- about 2%

Mr. Rath- asked Ms. Smith what it takes to state that you are an AKC certified trainer and evaluator.

Pat Smith- the evaluator test, they want to know how much experience you have had training dogs and how long you have been working with the kennel you are representing and then there is written test.

Mrs. Floyd- asked Ms. Smith to confirm that there were multiple dogs there during the sessions they have versus the one on one Mrs. Frischen would have gotten where she went.

Pat Smith- confirmed there were multiple dogs

Mrs. Frischen- stated that there were multiple dogs where she went also.

Mr. Cost- asked Ms. Smith if she was aware of other communities that are recognizing this type of certification like they are being asked to take a dog off of a vicious list.

Pat Smith- stated that there is a push nationwide to do that but she didn't know specific communities.

Mr. Cost- asked Ms. Smith regarding AKC stating a dog was of good behavior if they then were assuming some sort of liability if the dog was taken off of the list.

Pat Smith- said no based on the fact that when they evaluate the dog and the owner it is at that particular time and at that place. There is no way of telling if 6 months down.

Mr. Cost- stated that he was not a breed specific and that he thought any dog could be vicious.

Matt Frischen- stated what he was trying to get away from was having to muzzle and chain his dog when he walks down the street because it is a Pitt Bull.

Mrs. Loomis, Mr. Rath, Assistant Law Director and Mr. Marmie discussed the City's liability if

it took a dog off the vicious dog list after completing and passing the AKC Good Citizen test. All parties stated that they did not think that the City would be liable it would ultimately be the citizen.

Director Spurgeon- I have had the privilege to meet with the Frischens on their front lawn, I commend representative Loomis for trying to reach an amicable solution. The Department of Public Safety is not opposed to a certification process that says an animal that has not attacked is now ok but with that said I do have an objection to how this piece is written on two parts. The first part would be the test that the Frischens are promoting. I have researched it. Chief Sarver and his command staff and I met this morning; it seems like a reasonable idea, we would like to see that test annually. We believe there are environmental factors, you can switch owners, the dog is good today but how do we know three years from now the dog is not a detriment to public safety. That is still an efficiency for the Frischens and Ms. Boley and those folks who have those animals in the community. They would get relief from the insurance requirement; you would get to enjoy taking your dog without a muzzle and a chain. I have researched this there are a lot of things on line I don't think that the test is cost prohibitive. I believe that you can take that test without going through the training but I do believe that you would have a very slim chance of passing but if you passed it before and you come back 11-12 months later I think that if you are a diligent dog owner you would have a pretty high probability of passing again. That is one modification that the Department of Public Safety would like to see. The second one, Chief Sarver and I do have an objection with line 3 on page 2. If the premise is that you have not bite and you are a Pitt Bull on the list, you get the training you are off the list that is fine but if a dog has caused serious harm we do not believe this test rehabilitates that animal.

Mr. Guthrie- so basically no free bites. Both of the items the Chief pointed out you could sit down with the Law Director's office regarding coming up with language is that a good assumption?

Director Spurgeon- stated that he would prefer the language come from the legislative body but he offered to weigh in and put his thoughts in writing like he did with the Breed Specific discussion.

Mr. Guthrie- announced that the AKC sent them a letter which he provided copies of for any member of the public interested. He also stated that he asked the AKC, government relations person for information regarding other communities that are seriously considering or have done this in Ohio. He had not yet received an email back regarding that question but when he did he would share.

Chief Sarver- reiterated the point that they feel the test should be annually

Mr. Guthrie- asked the Chief how they were going to police that

Chief Sarver- stated the Animal Control Officer would handle it like he does with animals on the vicious dog list or breed specific.

Mr. Cost- asked for clarification of a dog being deemed vicious because it is a Pitt Bull or by behavior

Chief Sarver- both

Mr. Rath- supported Director Spurgeon's suggested amendment for not allowing a dog that has bitten to be removed from the vicious dog list because it has passed the Good Citizen test.

Lesia Best- asked if this legislation is for responsible dog owners?

Mr. Guthrie- confirmed it was

Lesa Best- asked how it fixed the dog problem because less than half the people in Newark have licenses for their dogs?

Mr. Guthrie- stated it doesn't fix the irresponsible owner problem

Mrs. Loomis- clarifies to Ms. Best that this piece of legislation came up because a responsible dog owner had their dog out in the front yard and an officer of the law came by and put the full extent of the law on the couple so they spoke to her and are asking if there is an avenue for responsible Pitt Bull owner to get away from all the restrictions of owner a Pitt just based on its' breed.

Mrs. Floyd- stated that she could see voting for the legislation with the amendments then explained her concern regarding the legislation not requiring a muzzle and leash if the dog passed the Good Citizen test. Her concern was for a citizen approaching a Pitt Bull on a longer leash without muzzle which is fine if the dog has passed the test and is tested yearly but how is a citizen to know that?

Mr. Guthrie- asked Chief Sarver if this legislation passed how would it affect their ability to police the muzzle and leash requirement for Pitt Bulls. How would they be able to identify an irresponsible owner from a responsible owner complying with this legislation?

Chief Sarver- stated he couldn't answer that

Mrs. Loomis- stated Ms. Boley sent her an email with a suggestion that the tag be a different color

Chief Sarver- stated there wasn't enough time to identify the color of the tag and avoid the dog.

Ms. Boley- clarified that she actually meant the dogs would wear a different color of a collar like a neon color.

Mr. Rath- felt that was prejudices

Mrs. Loomis- comment she thought people would replicate whatever that color was and we would lose control anyway.

Mr. Cost- asked Chief Sarver about if an identification card or item of identification would be helpful to law enforcement

Chief Sarver- stated it would be very difficult and used the example of a stolen vehicle with a valid license plate. He stated matching and verifying the information with the dog would be very difficult but thought that this was a start in the right direction but wasn't sure it would cure everything.

Mr. Guthrie- stated that we want recognize the effort of good dog owners like the ones in attendance that night but there is a balancing act for them, they don't want to make a mistake on this issue and have someone come back in Council Chambers and put it in their face that they put someone at risk. He stated he felt this had merit and was open to the process of trying to fix this so that they can recognize the good folks like this who take care of their animals.

Mrs. Loomis- thanked Director Spurgeon, Chief Sarver for looking at the legislation and making what she thought were good changes to the legislation and thanked the Frischens for coming forward and complying. She asked if they table the legislation to table it to a specific date.

Mr. Guthrie- agreed and thought that it could be tabled for two weeks

Mr. Rath- stated he agreed research needed to be done and amendments made however if it went through Committee that night there is 3 weeks until the 2nd reading and if sufficient

research wasn't done or the amendments weren't what they wanted it could be tabled then so he asked for it to not be table at Committee.

Mrs. Floyd- stated that she would like the Law Director's office to make the amendments ahead of time and that she would like the Safety Director to email the Law Director's office, Mrs. Loomis and Mr. Guthrie the amendments he and Chief Sarver discussed.

Motion by Mrs. Floyd to table Ordinance 13-41 for 2 weeks, second by Mr. Cost

Motion passed by a 3-2 vote. Yeas (Mrs. Floyd, Mr. Cost, Mr. Guthrie) Nays (Mr. Rath, Mrs. Loomis)

Mr. Marmie- asked that when the ordinance came back to the Safety Committee on December 9th that the legislation be expedited so that it doesn't go into next year with a different Council voting on it.

Mr. Guthrie- stated that decision could be made in two weeks when it came back.

Marc Guthrie, Chair