Private ownership of wild animals including endangered species:

Conflict on the urban fringe

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PRIVATE OWNERSHIP OF WILD ANIMALS INCLUDING ENDANGERED SPECIES: CONFLICT ON THE URBAN FRINGE

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Wild animals are held in captivity for recreational use throughout the nation, specifically Ohio. The United States Department of Agriculture (USDA) and the Ohio Division of Wildlife (ODW) issue permits for private owners to own numerous species as pets or for commercial purposes. However, there is a lack of enforcement by these organizations regarding the protection and treatment of these animals. Data and documents from the USDA and the ODW, as well as, the local Health Department and Sheriff’s Department for Holmes County, Ohio, illustrate problems concerning animal neglect with private owners housing wild animals. Although, animal cruelty continues to persist, regulations are being implemented to improve the treatment and housing of wild and dangerous animals.

Nancy Bain: Approved
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Chapter 1

Introduction

Private ownership of wild and exotic animals has always been looked upon as an eccentricity, and to a degree it has been tolerated or ignored by society as a whole. One reason for the mild acceptance of the practice relates to the usual locale of such private holdings—isolated areas beyond large urban centers with dense populations. Sparsely populated locations such as Holmes County, Ohio, often provide natural barriers such as expansive forestland, separating the animal-holding area from the view and life of others living nearby. This barrier has two key effects in that it allows the surrounding population to live there daily without fear of attacks because they do not encounter the animals, and it also allows owners to manage their animals without much scrutiny from the community and government.

But all of this is changing, largely due to sprawling population growth, which has transformed previously rural areas into suburban centers with larger, denser populations and less greenspace. Owners of exotic animals such as tigers and lions, along with owners of wild animals such as bears and wolves, are facing growing opposition from their surrounding community, which brings me to the central purpose of my research: to examine the effect of sprawl on the private ownership of exotic and wild animals as populations increase and natural barriers are torn down. As more and more people come into proximity with these animals, issues regarding the Endangered Species Act and animal neglect are also brought up with increased frequency. Thus, an examination of both topics played an integral role in my research.
Literature Review

Zoning and sprawl- controlling what people can do on their land.

Obviously, open space is crucial in maintaining a healthy environment, but the general population’s desire for open land has led to a seemingly uncontrollable sprawl into rural areas. This spread of development has led to pressing environmental issues. Sprawl has been affecting the United States for many years now, though the nation’s attention has only recently focused on the problems triggered by the population’s migration from large cities. The first state to actually acknowledge the matter was Oregon, which passed the Oregon Land Use Act in 1973, calling for communities and counties to present any development plans for the area and forcing developers to meet a set of state regulations. Between the passing of Oregon’s legislation until 1992, eight other states followed in its path dealing with growth management, planning, and land use.

Still, over the past 50 years, the concept of “moving out is moving up” has embedded itself in American culture. Americans constantly exemplify this philosophy, not thinking of the consequences entailed within sprawl’s never-ending chain of land consumption. As people shift from the cities to surrounding suburbs, the previously open area gets filled up. When that particular area gets filled up, the population begins to shift again to more open area, abandoning infrastructure that only deteriorates without


upkeep. Over time, if this growth were to continue unregulated, more of the country’s open space would be consumed, leading to a significant decline in local wildlife populations as their habitats are modified and destroyed.

Perhaps the most significant problem of sprawl is that it leads large populations to similar locations, usually on the edge of cities, where new developments and large houses are clearing away previously unscathed land by the acre\(^3\). As water supplies dwindle to their lowest levels ever, and utility prices skyrocket due to the law of supply and demand, Arizona and Nevada both exemplify the negative effects that urban sprawl has on the surroundings. But these problems are only the beginning of larger issues gradually creeping up on suburban populations everywhere, especially in the sense that the only effects most of the sprawl populations notice right now are the monetary differences in their utility bills; the increased pollution of water tables, soil, and air are all long-term issues that will need to be addressed soon.

Due to the experiences of states such as Arizona and Nevada, however, some state and local governments are beginning to create legislation to limit sprawl. Several western states are planning out urbanization around land that has been designated “sacred” for the continuing existence of the Stephen’s Kangaroo Rat (SKR). In Riverside County, California, for example, eight suburban cities and state and federal agencies

came together to form a system of reserves for the SKR habitat. Ohio is another state taking steps to battle sprawl through its support of the Metroparks system throughout Northeastern Ohio, which ensures that local wildlife have a habitat permanently protected from the surrounding metropolitan areas. This is not to say that Ohio has permanently blocked off sprawl, as currently houses are built right up to the property line of much of the Northeast Ohio Metroparks.

**Figure 1. Layout of the Emerald Necklace**

In fact, Northeast Ohio’s urban and suburban centers have expanded tremendously from 1970 to 2000. While this type of expansion could be attributed to population growth;

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5 See Appendix (page 86): Past and Predicted Settlement Patterns for Ohio’s population from 1970 to 2010. The set of maps depict various stages of Ohio’s expansion. With these maps we can see exactly how fast sprawl can spread throughout an area.
that is not the case here as statistics show that between 1970 and 1990, there was a spatial
growth of 33 percent, while at the same time population declined by 8 percent\(^6\).

But progress is being made in the fight against expanded land development, a
significant step, especially when that laws limiting growth and development have not
been met with broad acceptance by the general population. The majority of public
opinion is more concerned with the economy and land ownership rather than wildlife
habitats and greenspace, though the problems that arise with development can be
impossible to ignore. For example, an ongoing problem in Southern Florida is the threat
that sprawl has on the native lands of several wildlife species including bears and
panthers. However, the problems that persist don’t stop at the issue of the increasing
number of housing developments and new roads, but rather with the threats on the
communities by the wildlife.

Collier County, Florida, exemplifies these problems. From the 1960’s to the
1990’s, the area’s population grew from 19,000 to 170,000 residents, an increase of over
794 percent. While the county has set aside large parcels of undeveloped land as
government preserves and wildlife habitats, such as Big Cypress National Preserve
(570,000 acres), Fakahatchee Strand State Preserve (70,000 acres), the Florida Panther
National Wildlife Refuge (24,310 acres), the National Audubon’s Corkscrew Swamp
Sanctuary (11,000 acre), Collier Seminole State Park (6,500 acres), and a piece of the
Everglades National Parks (1.4 million acres), the explosive population growth has led to

numerous incidents between wildlife and humans. All this land might seem like enough to house some bears, panthers, and other wildlife, but nobody knows for sure. The problem with this is that the developments built to shelter the population lie directly next to the wilderness areas where the bears and panthers live. Some people don’t have problems with the animals living nearby, however several others do, especially when the family pet comes up missing or someone’s livestock suffices for a hungry bears meal. One woman, Pam Hawley, loves nature and enjoys living next to the wilderness areas. However, when a bear climbed over her barbed wire fence to consume her pygmy goat, she reconsidered. Hawley said, “Having a bear in your yard is no way romantic or exciting in any way, shape or form.” She said she felt “a sense of violation,” especially after the bear returned the following night for a second meal.

Bears are not the only animals being cursed because of their mischief. Panthers also pose a threat on humans, though they are less daring, making human-panther encounters rare occurrences. Still, panthers are occasionally found dead, either shot by hunters or hit by cars. The average male panthers range averages around 185 square miles and the animals may roam 20 miles in a day. At one point these cats were able to roam from the Southern tip of Florida up to North Carolina and then west all the way over to Texas, however up until 1958 they were over-hunted, and now, the population incursion and subsequent development of rural areas has severely cut down on the natural space available to panthers. The only remaining panthers are found in southern Florida.

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8 Ibid.
with a population of a mere 60 adults. Human development and hunters have brought the species to near extinction\(^9\).

As the example of Collier County demonstrates, though parks do their share in protecting the environment, they cannot stem the long-term permanent changes human migration instigates in any given area. Once an area is paved over, a habitat is lost forever and even if that pavement is removed, the habitat that once was there will not be the same and the plant and animal species that may have once existed there will not return. The consequences of human settlement, including the simplification of the land, modification of natural disturbance patterns, changes in the soil and water quality, and altered movement of nutrients, organisms, and other elements of ecological systems, are permanent\(^10\). Thus, even after a population moves on, the effects of sprawl leave the environment at a dire loss of many of its precious natural resources, resulting in problems not only for humans, but also for the surrounding wildlife. The perpetual migration associated with sprawl acts as “a disease eating away at the heart of America,” leaving behind urban decay, social dysfunction, environmental degradation, and much more\(^11\).

The development of rural areas has also placed pressures on and caused strife for farmers and non-farmer rural residents, as the demand for open land has raised property values and, consequently, taxes. This new expense, coupled with the constant badgering of developers willing to pay handsomely for the land, leads the selling of property in

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\(^10\) Haeuber.

\(^11\) Glendening.
segments spanning hundreds and thousands of acres. These lots are then divided up, sold, and transformed into large residential and commercial developments. The problems associated with expansion is that new housing developments trigger even higher land taxes for the remaining farmers and residents, air pollution damages nearby crops, and natural water table levels are disrupted. Fortunately, for many farmers, these environmental consequences provide a valid argument for the preservation of their land, which is necessary for flood absorption, natural water filtration, and open space.\textsuperscript{12}

\textbf{Endangered Species Act and how it has been used in the past}

In 1973, Congress passed the Endangered Species Act (ESA), which allowed for a species to be listed as endangered or threatened without consideration of the economic impacts this decision would make. It was “the first time in history, the government undertook a concrete, systematic effort to save wildlife from the destructive behavior of humans.”\textsuperscript{13} In the same year that the ESA was passed, a small endangered fish, the snail darter, was found to be living in a portion of the Little Tennessee River. In accordance with the ESA, the Tennessee Valley Authority, which was in the middle of building the Tellico Dam within the river, was forced to halt construction despite the fact that $53 million dollars had already been spent towards its development. When \textit{Tennessee Valley Authority v. Hill} went to court, Section 7 of the ESA became the focal point of the case as it demanded that federal agencies “take such action necessary to insure that actions


\textsuperscript{13} Kline, Benjamin, Ph. D. \textit{First Along the River.} Acada Books, San Francisco, 2000. (94).
authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species.” Eventually, the case was brought to the Supreme Court, where it was decided that “congress intended endangered species to be afforded the highest of priorities,” prohibiting the continuation of the project. However, after further consideration and the successful relocation of the snail darter to another body of water, Congress authorized the completion of the Tellico Dam. All snail darters found in the waters where the project was completed were transported to other bodies of water comparable to the habitat provided by the Little Tennessee River. *Tennessee Valley Authority v. Hill* provided the first true test of the ESA, and while an eventual compromise was reached in place of a solid one-way decision, the snail darter proved the mettle of the ESA, and served as a portent of disputes to come.

In 1987, the first real conflict between the economy and the environment began when the Fish and Wildlife Service received a petition to add the northern spotted owl as a threatened species to the ESA. Continuous logging in the Northwestern United States was putting the critical habitat of the owl at stake. Three years later, despite a weakening economy, the worries of the timber industry and labor unions, as well as the lack of

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support from President George Bush, the owl was added to the list and logging in the Pacific Northwest old growth forests (totaling millions of acres) was banned.\textsuperscript{17}

With the first two controversial cases decided in favor of those supporting the ESA, the species survived and habitats were protected. The ESA appeared to be controversial, yet effective. However, despite the two victories documented here, in too many situations since the early 1990s, the ESA has been bent or overruled to allow for the economic success of the human being at a cost to a variety of species and their habitats. The thriving economy and the continuous sprawl of houses and housing developments have caused congress to compromise the intentions of the ESA for the political favor of labor unions and business lobbyists, amongst others. Thus, notwithstanding the Supreme Court’s comments in \textit{Tennessee Valley Authority v. Hill}, government at all levels has allowed for the destruction of irreplaceable habitats, continually removing precious greenspace to make room for the burgeoning sprawl of suburbia.

\textbf{Issues on neglect of owned animals}

Geertrui Cazaux claims that far too often issues concerning the abuse of animals, whether they are domesticated or listed under the ESA, go ignored. It can be assumed that the “primitive western man” saw himself as part of nature rather than opposed to it.\textsuperscript{18} Unfortunately, as time progressed the mindset of the American changed, leaving nature helpless and defenseless. People have come to think that “nature… has made all animals

\textsuperscript{17} Kline.

for the sake of man, … [because] they lack consciousness, they don’t have language and lack the capacity to suffer or to enjoy pleasure.\(^{19}\) As Cazaux points out, this view of nature mimics that presented in the Old Testament of the Bible (Genesis 1: 26-29), which states the following:

Let us make man in our image, and our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth. Be fruitful and multiply and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every thing that moves upon the earth.\(^{20}\)

If anything, these lines emphasize the importance of humans over the rest of the animal kingdom, condoning the idea that well-being of animals comes second to the pleasure and comfort of humans.

The abuse of animals is a topic that continues to be ignored by criminologists and as Cazaux states, “it is essential that research into the interactions between humans and other animals, especially into those interactions that violate the well-being of animals, finds its place in the criminological arena of the future.”\(^{21}\) Until research on the thousands of cases of animal maltreatment is focused upon and until actions are taken to


punish those that exert abuse on animals, the problem will continue to exist. Table 1
gives examples of abuse on companion animals, but could very well relate to non-
companion animals. The case study discussed in this paper will focus on the neglect of
wild animals owned by a resident in Holmes County, and several of the animal abuses
mentioned in the table will be identified and discussed.
Table 1. Typology of companion animal abuse

<table>
<thead>
<tr>
<th>Physical abuse (intentional or nonintentional)</th>
<th>active maltreatment</th>
<th>Assault</th>
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<td>Burning</td>
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<td>Poisoning</td>
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<td>Shooting</td>
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<td>drowning</td>
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<td>abandonment</td>
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<td>restriction of movement</td>
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<td>incorrect methods of training</td>
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<td>trapping</td>
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<td>transportation</td>
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<td>fireworks</td>
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<td></td>
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<td>bestiality</td>
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<td></td>
<td>passive neglect or ignorance</td>
<td>lack of food and water</td>
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<td>lack of shelter</td>
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<td>lack of veterinary care</td>
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<td>lack of sanitation</td>
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<td>general neglect</td>
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<td>commercial exploitation</td>
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<td>passive neglect</td>
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<td>deprivation of love and affection</td>
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Captive Breeding

Of the 314 approved recovery plans of endangered and threatened wildlife in the U.S., captive breeding is recommended in 64 percent of them. Partly due to this high percentage, proposals have been put before Congress in hopes for revisions of the ESA to stress captive breeding for recovery practices. Yet, while captive breeding has become quite familiar in recent years as a method to restore populations of several threatened and endangered animal species, the practice has its limitations, and as studies demonstrate, such methods should not be the first resort to save a population whose numbers of existing species are dwindling. Breeders run into a variety of problems, especially with the possibility that captive animals will become domesticated and incapable of surviving on their own if ever released into the wild. Breeders must also contend with disease outbreaks amongst the animals and the chance that viruses and infections could spread to other species in the area. While the case study discussed here will focus on poor animal conditions due to neglect, the general problems associated with captive breeding go far beyond issues of proper conduct and care by breeders. The most significant issue is the conflict between the animals’ need for space and the owner’s inability to provide it. Wild animals require a sufficient amount of land to roam and develop survival tactics to live in natural conditions, and most breeders cannot provide this, leading to low levels of successful introductions and reintroductions of animals into the wild. In a study conducted by Gurd, Nudds, and Rivard it was estimated that cougars could survive with

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low extinction rates in areas of 2,200 km$^2$ or larger, while bears required anywhere between 1,000 and 13,500 km$^2$. Gray wolves have been found to not persist in parks smaller than 950 km$^2$, but are capable of surviving on an area of land at least 1,080 km$^2$ in size. This study recommends that open spaces and parks being held for species survival be protected and connected with at least 2,700 km$^2$ of land. These areas should have buffer zones away from cities and residential areas, as limited space limits the genetic diversity of a species and their space for roaming and finding food.$^{24}$ Successful survival is isolation away from threats posed by human interactions. The desired space necessary for successful survival must be available before attempts of reintroduction can begin.

These are only a few of the possible complications that may occur in captive breeding situations, but they are crucial in understanding why different species are or are not able to survive when released into the wild. Captive breeding may cause more problems for the species than it already has and may have a better chance fighting for survival on their own.$^{25}$ Before alternatives such as captive breeding are even considered, efforts should be put forth to try and save the existing species in the wild. Jumping to the conclusion that any species survival in the wild is impossible if a human doesn’t intervene should not be considered until it is determined that such action is absolutely necessary.


$^{25}$ Snyder et. al.
Domestication of wild animals is preventative in allowing an animal to have a successful reintroduction into its natural habitats. Currently, many scientists question whether animal management is beneficial to natural populations. This skepticism requires animal conservationists to carefully watch human management of a species to ensure that all efforts are put toward not making an animal domesticated. Still, these efforts occasionally fail, and animals sometimes acquire tameness, lessening their rate of survival in the wild. Behavioral patterns of those animals raised in captivity compared to those born into the wild differ and sometimes prevent the captive animals from producing wild populations after being released. Animals may lack the guidance needed from their parent on survival tactics or knowing when and where to migrate, potentially leading to suffering and maybe death. Noel et. al. explain that because domestication is progressive despite efforts to prevent it “we should abandon any general expectations that we can ‘preserve’ endangered species in captivity without sufficient change over the long term and limit captive breeding programs to short-term situations where animals will be returned to the wild as soon as possible.” By focusing on short-term captive breeding rather than long-term, affected animals have a higher chance for successful reintroduction, as well as a decreased chance of disease outbreak among species.

Animals in captivity are more susceptible to disease because they lack genetic diversity and their immune systems have not built up a defense against bacteria and viruses that are common in the wild but rare in managed areas. The living situation provided by most captive breeders contributes to this problem as well, as captive animals

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26 Ibid.
are more likely to be exposed to the disease more often than those in the wild due to the close living quarters with other animals of the same species or animals of other species living in the same facilities. In the wild, most animals come into contact with disease more than once and over time develop a resistance. However, they have less likely of a chance of disease because of less contact with infected animals. For example, black-footed ferrets recently experienced outbreaks of distemper, a disease that spreads easily and usually kills those infected. Distemper is also well known in infecting felines, both domesticated and wild, and an outbreak in a captive breeding situation could easily have devastating effects by spreading to several species of wildlife. In hopes to prevent these disease outbreaks it is recommended that captive bred animals be kept in single-species facilities and isolated from other species, breeding should be done in at least two geographically different locations and within the natural range of the species to limit exposure to exotic pathogens, founder stock should be taken directly from the wild or from single species facilities to lessen the chances of outbreaks coming from multi-species facilities, and facilities should be closed to the public while staff also practice minimal contact with other species.  

While captive breeding has complications, these problems do not render it without potential benefits. In fact, the U.S. Fish and Wildlife have claimed that the only “essential” ferret population is the population of black-footed ferrets in captivity. Though this technique of saving a species has helped in saving the ferret, it should not be thought of as a quick fix to any low species population problem. A quick fix simply

27 Ibid.
prolongs rather than putting a focus on the core of the problem. If the core is approached and treated successfully, then captive breeding wouldn’t be necessary. A population in captivity does not guarantee that species is safe. Speciously thinking that captive breeding provides a wide-range solution allows for continuous destruction of species habitat and wild populations. So, in weight of all the complications that go along with captive breeding, be it necessary for some species or not, the goal is to save the species habitat and natural resources so that it can survive on its own without the intervention of man. The most effective way to protect a species ecosystem is simply to leave it alone.\textsuperscript{28}

**Hypothesis**

The assumed outcome is that as sprawl continues to spread, more people will have less control over what they are permitted to do on their land. The idea of owning wild/exotic animals will eventually become a contentious issue unless the animals are housed in a zoological or specialized facility using these animals for educational or research purposes. Private owners will be limited to the activities permitted on their property in that they may face more scrutiny, and consequently objections, from neighbors or community members about the types of animals housed on private property and the care individual owners provide. Along with sprawl come people concerned about their lives. People buying and moving to a new place feel that their surroundings should be up to their standards since they are spending large amounts money. As populations grow and rural communities are transformed from patches of isolated housing into developments, residents will be forced to deal with zoning issues, and concerns over

\textsuperscript{28} Ibid.
public safety and community property values will overshadow the individual rights of property owners, forcing, in this case, animal owners to change their lifestyle and animal holdings to standards determined by the general population. Thus, while sprawl has negative effects on the environment it affects, the attention it brings to the treatment and housing of wild animals on private property may be a positive consequence of population growth and development.
Chapter 2

Methodology

Study area

The study area will consist of United States with a focus on those counties located in Ohio, primarily Northeast Ohio. Rules and regulations on ownership of wild animals, individual property rights, and issues regarding sub/urban sprawl will be discussed as they relate to specific areas throughout the United States. Primary focus will be placed on those rules and regulations that have been created, are being created, and need to be created in the state of Ohio concerning ownership of wild animals and land incompatibility in relation to sprawl.

What I did

My thesis consists of two parts. One part discusses the extent of the problem with owning wild and endangered or threatened species\(^{29}\) in Northeast Ohio. This will consist of data and maps showing where these animals are located and how many different species there are living in private facilities including those registered with the USDA. Information about the ODW animal placements and the permit holders of the USDA (gathered by each agency and put into a spreadsheet) was saved as a dbf IV and then added into ArcView 3.2. The street files for the state of Ohio were downloaded from ESRI ArcData Online at http://www.esri.com/data/online/index.html. With the street

\(^{29}\) The terms *endangered* and *threatened* are used here as they are used in the ESA. *Endangered* refers to any plant or animal species that has been designated by the government as being in danger of extinction throughout all or a significant portion of its natural territory. *Threatened* refers to species likely to become endangered in the foreseeable future, though these species may not have special protection through legislation. *Wild* is used generally to refer to animals that have not been domesticated.
files merged into one theme and active, I geocoded the location of all permit holders with the ODW and USDA in the state of Ohio. From the data supplied by the ODW, the locations having the following animals: coyote, fox, bear, cougar, mountain lion, bobcat, elk, snake, boar, and wolf were queried out and have been represented with three categories being coyote, fox, and dangerous animals. Dangerous animals pertains to all animals listed above except for coyote and fox as they are represented separately. Of the 1,991 addresses listed with permits issued through the ODW, 449 of them were not represented on the map. This is caused by insufficient street address and zip code data, such as addresses with only a post office box number, or a street not being recognized from the Tiger Street Files.

Data supplied from the USDA was also geocoded with street address and zip code. The data was then queried out by type of permit each owner has and represented in different colors. Of the 174 addresses listed by the USDA, 52 did not have a match. Addresses not matching with the street data was also caused by insufficient address data such as post office box numbers and names of buildings rather than number of building and street name.

Also included in the first part of my thesis is a discussion of the potential problems associated with and the issues relating to the ownership of these animals. Legal controls at the federal, state, and local levels are discussed, as well as the problems associated with the relevant laws and regulations enforced at the three levels of government.
The second part of the research discusses a case study in which problems associated with the treatment of wild and endangered species by an individual property owner conflict with the best interest and thoughts of the animals and the public. In March of 2001, a situation involving a private landowner and her numerous wild animals in Holmes County, Ohio, evolved. The case study centers on this woman and her animals as well as the thoughts and views of surrounding neighbors, and it will focus on the private landowner’s property rights, her thoughts on the entire situation, as well as the issue of severe neglect on the animals owned and housed on this piece of property. The purpose of my research is to illustrate the manner in which issues of animal neglect often times remain unresolved by the agencies that, according to public belief, should be able to handle them. I provide photographs30, relevant documents and public opinion on the situation.

**Endangered Species Act, how it needs to be enforced**

Passed in 1973, the ESA is limited in its enforcement abilities. The act concerns endangered and threatened species, the selling of their body parts, importation and exportation of the species, and habitat protection for the species.31 The enforcement of the endangered species act will be analyzed and critiqued, and recommendations for amending the act will be presented.

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30 See Appendix (page 87) for statutes from the Ohio Revised Code regarding trespassing law in animal cruelty investigations.

**Copy of questionnaire; permit** (USDA & ODW offices)

Copies of the questionnaires issued by the United States Department of Agriculture (USDA)\(^\text{32}\) and copies issued by the five district wildlife offices of the Ohio Department of Natural Resources (ODNR) regarding the ownership of wild and exotic animals were collected. The rules and regulations that go along with the permit are analyzed and critiqued.

**Issues to be dealt with**

One of the major problems with the protection of animals and a person’s rights is the lack of a clear mandate on each level of government. While laws are made at the federal level, state governments often must shoulder the responsibility of enforcement. Frequently, states pass this burden onto county and local governments. Consequently, if the county decides that it wants no involvement in a particular situation, little is done and problems continue to be ignored with minimal review or enforcement of current laws and regulations. For example, most counties require that there be a county dog warden, whose purpose is to protect specified domesticated animals, hand out kennel licenses, and sometimes provide a home to lost or homeless domesticated animals. The dog warden has specific rules and obligations that he/she is expected to fulfill as mandated by federal, state, and local governments, but currently, there is no way for the general public to measure the dog warden’s compliance with the mandated obligations. Dog wardens, for example, could complete their jobs to what they thought was an acceptable level despite the fact that they may do nothing to address the myriad of examples of animal neglect.

\(^{32}\) See Appendix (pages 88-89) for copies of USDA applications for registration and licensure.
they encountered. This situation exemplifies the problem: because much of the regulation regarding animal owners has been empowered to county and local governments without much supervision from state and federal branches, if individual counties choose not to take responsibility, state or federal authorities do not become involved. In an attempt to address this issue, the functions and difficulties of agencies and departments specifically associated with the ownership of wild animals will be analyzed, especially with regards to the way in which animal protection responsibilities are passed on from the federal level to the state level to the county level, resulting in little action and enforcement of current regulations. The purpose of the Endangered Species Act, the role of the USDA, United States Fish and Wildlife Service (USFWS), the ODNR, and the function of the Holmes County Health Department are analyzed, explained, and discussed, especially with regard to each agency’s lack of authority in situations involving the protection of wildlife.

**Data sources**

Data that has been collected consists of numbers of owners owning exotic species in the different wildlife districts throughout Ohio, and the list of animals permitted through the wildlife districts. All data has been tallied together into a spreadsheet, and the data for each species was used with Arcview 3.2 to produce a map showing the location of species according to the individual permit issued to each owner through the ODNR and the USDA. A correlation has been made between the maps. All data on the ownership of wild animals focuses on animals in Northeast Ohio.

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33 Figures 2, 3, and 4 detail the locations of USDA and ODW permit holders in Ohio.
Figure 2. Location of ODW permit holders

Animal Permit Holders and Types of Animals for 2002: The Ohio Division of Wildlife
Figure 3. Location of USDA permit holders
Figure 4. Location of ODW and USDA permit holders
Chapter 3

Case Study

Purpose of case study

For years people around the United States and Canada have either created sanctuaries or opened up their homes to provide housing for several animals varying from domesticated dogs and cats all the way to wild, dangerous, and/or endangered species such as bears, wolves, and large cats. This case study presents a situation in which a woman owned several wild animals all housed in cages on a bit less than two acres of country land. Often, several animals are owned by individual owners or sanctuaries that have been developed to care for such animals, providing appropriate care, food, and attention needed to allow for the successful existence in captivity. Other animals are owned by individuals or by sanctuaries in which the owners or workers do not provide the necessities needed to sufficiently provide a healthy captive life for several wild animals that we, as children, only saw in zoo’s around the country. Using the example of one particular owner, this study will discuss the positive and negative aspects of individuals and sanctuaries owning wild animals in relation to the idea of bettering the situations of affected species. The procedures necessary for required permits needed for the ownership of such animals will be explained to show that the state of Ohio lacks clear rules and regulations regarding this matter, which has a severe negative effect on several species.
**Order of events**

Although Holmes County, located on the border of Northeast and Southeast Ohio, is a rural community, it has experienced tremendous growth over the past decade, and is demonstrating the effects of sprawl. While Ohio’s population grew 4.7 percent from 1990 to 2000, Holmes County’s population surged 18.6 percent.\(^{34}\) While the county’s population density is still relatively low compared to the rest of the state (92.1 versus 277.3 persons per square mile), new developments are changing the landscape. On the very far western edge of the area lies Washington Township, a township sharing borders with Ashland and Wayne Counties. As Washington Township

\(^{34}\) See Figures 6 and 7 for population changes in Holmes County from 1990 to 2000.
has developed, the township’s wealthier families have generally flocked towards the
eastern half of the county, while the less wealthy occupy the western half. Those in
charge of running the county generally live east of Washington Township. For the sake
of clarity in this paper, any part of Holmes County that is east of West Holmes High
School, which lies about 12 miles east of the western border, will be considered as part
of the county’s eastern half.
Figure 6. Holmes County population change 1990-2000

Holmes County, Ohio Population Change: 1990 to 2000

Cartographer: Stephanie Kochera 3/22/2002
Data Provided by the U.S. Census Bureau
www.census.gov
Projection: State Plane, 1983: Ohio-North

Legend:
- Location of Washington Township
- Holmes County Census Tracts
Figure 7. Township Population Change: Change in Number of Persons 1990 to 2000

38 Reece, Jason. *The Urban Exchange Program*. The Ohio State University, May 21, 2002.
Population data about the county spanning from 1970 to 1990 demonstrates an increase in the level of education in the area (Table 2), which correlates with a visible increase in per capita income in the area, as it has increased from $2,053 (1969) to $4,961 (1979) to $9,191 (1990). While the increase in income could be a result of a higher level of education among Holmes County’s residents, the effects of sprawl could skew both statistics. The increase in income also could be caused by people moving into the county, as Table 3 shows the significant population jump Holmes County experienced over the last century, particularly in the past few decades. Holmes County still harbors a

Table 2. Educational Attainment for Holmes County, Ohio: 1970, 1980, 1990

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>23,024</td>
<td>29,416</td>
<td>32,849</td>
</tr>
<tr>
<td>Persons 25 yrs. and older</td>
<td>11,262</td>
<td>14,887</td>
<td>17,780</td>
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<td>High School Graduates</td>
<td>2,965</td>
<td>4,508</td>
<td>5,284</td>
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<tr>
<td>College: 1 to 3 years</td>
<td>487</td>
<td>855</td>
<td>1887</td>
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<tr>
<td>College: 4 years</td>
<td>328</td>
<td>600</td>
<td>863</td>
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<tr>
<td>College: 5 or more years</td>
<td>NA</td>
<td>398</td>
<td>307</td>
</tr>
</tbody>
</table>


37 Ibid.
Table 3. Total Population for Holmes County 1900-2000

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>19,511</td>
</tr>
<tr>
<td>1920</td>
<td>16,965</td>
</tr>
<tr>
<td>1940</td>
<td>17,876</td>
</tr>
<tr>
<td>1960</td>
<td>21,591</td>
</tr>
<tr>
<td>1970</td>
<td>23,024</td>
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<td>1980</td>
<td>29,416</td>
</tr>
<tr>
<td>1990</td>
<td>32,849</td>
</tr>
<tr>
<td>2000</td>
<td>38,943</td>
</tr>
</tbody>
</table>

Ibid.
substantial amount of open space, as Figures 8 and 9 and Table 5 illustrate that much of the land in the area is forest or pasture. The open land, however, provides

Figure 8. Holmes County land use in the early 1990s

an incentive for people to migrate there to build new houses and summer homes, or to retire away from the bustling city life. Holmes County also provides a tranquil alternative to highly populated cities and towns, triggering people to move into the area

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Figure 9. Holmes County land cover change by type: 1982 to 1997

8.1  8.4  9.3  11.4  114.6  118.0  116.6  116.4  73.3  69.2  65.7  55.2

Thousands of Acres

Urban Land  Forest Land  Crop Land  Pasture Land

Land Cover


Source: National Resource Inventory

Reece, Jason. *The Urban Exchange Program*. The Ohio State University, May 21, 2002.
Table 4. Holmes County land cover, 1982 to 1997

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Acres (in 1,000's)</th>
<th>Total Acres Estimated</th>
<th>Total Urban Land</th>
<th>Total Forest Land</th>
<th>Total Farm Land*</th>
<th>Total Crop Land</th>
<th>Total Pasture</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>271.4</td>
<td>8.1</td>
<td>66.8</td>
<td>187.9</td>
<td>114.6</td>
<td>73.3</td>
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<tr>
<td>1987</td>
<td>271.4</td>
<td>8.4</td>
<td>64.5</td>
<td>187.2</td>
<td>118.0</td>
<td>69.2</td>
<td></td>
</tr>
<tr>
<td>1992</td>
<td>271.4</td>
<td>9.3</td>
<td>68.1</td>
<td>182.3</td>
<td>116.6</td>
<td>65.7</td>
<td></td>
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<tr>
<td>1997</td>
<td>271.4</td>
<td>11.4</td>
<td>76.7</td>
<td>171.6</td>
<td>116.4</td>
<td>55.2</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage of Land Cover**</th>
<th>Total Acres Estimated</th>
<th>Total Urban Land</th>
<th>Total Forest Land</th>
<th>Total Farm Land*</th>
<th>Total Crop Land</th>
<th>Total Pasture</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>N/A</td>
<td>3.0%</td>
<td>24.6%</td>
<td>69.2%</td>
<td>42.2%</td>
<td>27.0%</td>
<td></td>
</tr>
<tr>
<td>1987</td>
<td>N/A</td>
<td>3.1%</td>
<td>23.8%</td>
<td>69.0%</td>
<td>43.5%</td>
<td>25.5%</td>
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<tr>
<td>1992</td>
<td>N/A</td>
<td>3.4%</td>
<td>25.1%</td>
<td>67.2%</td>
<td>43.0%</td>
<td>24.2%</td>
<td></td>
</tr>
<tr>
<td>1997</td>
<td>N/A</td>
<td>4.2%</td>
<td>28.3%</td>
<td>63.2%</td>
<td>42.9%</td>
<td>20.3%</td>
<td></td>
</tr>
</tbody>
</table>

*Total Farm Land equals sum of all crop land and all pasture land
**Percentages do not sum to 100%, due to omission of water and federal land use cover

Reece, Jason. *The Urban Exchange Program*. The Ohio State University, May 21, 2002.
while working outside the county. These are possibilities contributing to the increase in both income and population within the county.

Currently, growing up in Washington Township appears to be a peaceful and relaxing experience. The closest neighbors are certainly not within view, but nonetheless could be biked or walked to in just a few minutes. My discussion of the township will focus on an area consisting of Township Roads 467, 468, 469, 464, and County Rd. 22. Ten years ago, this particular area of the county was prone to trailer parks, as well as trailers not in parks. These structures still mark the homes of many county residents. The long time veterans of the area often times complain about the growth and the fact that the open land and its precious looks have been destroyed by new, unwanted neighbors. Unfortunately, few of the long-time residents own a great amount of land, so they can only sit back and watch as development changes the land around them.

Over the last decade, the area along Twp. Rd. 469 has grown from one house to 8 trailers. The monetary value of the land has plummeted, though to most residents in this particular area, land value is of little concern. Within this crowd of trailers, a middle-aged woman moved in with a trailer and a peculiar curiosity that interested her neighbors. For the sake of this paper and to protect her identity, we will call her Harriet Morris.\footnote{All names throughout this paper have been changed, with the exception of Dr. Maurice Mullet, Commissioner of Holmes County Board of Health.} Harriet moved onto an eight-acre piece of property around 1994-95, and with her came a zoo of creatures. Harriet became known as “Jungle Harriet” and stories came about that she had her land full of wild and domesticated animals and reptiles, such as cougars,
alligators, snakes, skunks, donkeys, monkeys and tigers. Stories went on for years about how this woman had an alligator living in her bathtub, how she rescued skunks after they had been hit on the road, and how she housed snakes, the rescued skunk, a donkey, the alligator and a monkey all in the same trailer with no ventilation, no system for cleaning the excrement and little food and water.

Nonetheless, Ms. Morris created problems for herself from the beginning of her residence within the Holmes County Health District. On November 21, 1997, a hearing before the Holmes County District Board of Health was held in response to a “citation issued pursuant to ORC 3707.02 for causing a public health nuisance by keeping exotic wild and dangerous animals.” In response to the hearing Ms. Morris agreed to apply for licensure through the USDA and to be in compliance with USDA licensure requirements within two weeks. An order was written by the Holmes County District Board of Health on November 21, 1997, requiring Ms. Morris to “remove all exotic animals…to an appropriate, approved location outside the geographic boundaries of the Health District or to obtain licensure for all exotic animals from the United States Department of Agriculture.”

In response to the above orders, Harriet’s attorney requested for an extension of the 14 days allotted for the completion of the order, however the request was denied by the Holmes County Commissioner, Maurice Mullett, M.D, stating that an additional 30 days would not be granted. However, if the orders were not completed by the deadline a hearing would be scheduled for December 19, 1997, and Harriet or her attorney would be

43 See Appendix (page 90) to view a copy of the actual order sent to Ms. Morris.
able to present information and a schedule for what has been done to comply with the orders and what the plans were to finish compliance. If the board found the proposed schedule acceptable, it would grant an extension, though not a full 30 days.

On January 2, 1998 Harriet Morris applied for licensure with the USDA with her reasoning for application being that she was a breeder and had a roadside zoo. At this time Harriet listed with the USDA as having four nonhuman primates and 16 wild or exotic mammals. To apply for a license with the USDA Harriet was required to fill out a form and send it in. No inspections of the current facilities needed to be done in order to grant the license and no money was required for the application process. No psychological questions were asked as to review any possible complications there could be in caring for the animals. Full compliance with the order given to Ms. Morris, required that she obtain licensure from the USDA or face the consequence of having the animals be removed due to the potential health risk to the surrounding community. As of April 17, 1998, Health Commissioner Maurice Mullet stated in a letter to Ms. Morris’ attorney that her licensure was not obtained and that Harriet’s noncompliance was referred to the prosecuting attorney for injunctive relief. Mr. Mullet also noted that, “I consider it unlikely that the Board will continue to be sympathetic to your client.”

Nonetheless, problems with Harriet and the conditions of her property, animals, and actions taken on her property did not end. A few complaints were made over the years with both the Health District as well as the Holmes County Sheriff. On July 23,

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44 See Appendix (page 91) to view a copy of Ms. Morris’ USDA application for licensure.
1999, a neighbor living approximately 1/8\textsuperscript{th} of a mile from Harriet filed a nuisance complaint with the Health District stating the following: “Burning Animal Carcasses and Hides. Severe stench causing breathing problems for daughter, rotting carcasses-maggots and flies, animals loose, supposed bear tracks in yard and claw marks on tree.”

In a response to the complainant, Mr. Mullet explained that the burning of a carcass is a legal process of disposal of dead animals under Ohio law, which compelled the prosecuting attorney to deny the issuance of a search warrant for the property. The health district attempted to inspect the property, however the property owner denied inspection without a search warrant, only allowing for observations that could be made from the vehicle. These observations are as stated by Mr. Mullet:

2. Cougar and lion noted in very small cages.
3. Something on ground covered with tarp.

Due to the lack of evident illegal action, the nuisance complaint was found to be invalid.\textsuperscript{45}

In continuation with complaints, Polaroid photographs were sent to the Health District from the solid waste hauler in April of 2000. Mr. Mullet forwarded the photographs to the prosecuting attorney in case of any enforcement actions. In response to the several complaints and safety concerns to the public, Mr. Mullet pursued the idea of developing a county regulation to regulate the ownership of wild and exotic animals, an idea that had been thought about since 1998. In a letter dated January of 1998 and

\textsuperscript{45} See Appendix (pages 92-93) for a copy of the complaint and the health board’s response.
another letter dated May of 2000, Mr. Mullet requested information from both the USDA and the prosecuting attorney on the Health Board’s ability and authority to adopt such regulations. In response, the USDA sent copies of the USDA “Specifications for the Humane Handling, Care, Treatment and Transportation of Warm-blooded Animals Other than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals.”

Despite the board’s interest in drafting legislation, nothing was done and the idea faded into the background. As the years passed, so did the failed attempts to do anything about the situation on Harriet Morris’s property. In March of 2001, I took a walk on neighboring property, with the owner’s permission, to see what was really happening. From the woodline and property line, it was difficult to see exactly what animals Ms. Morris housed, but after circling the property and entering onto another owner’s property, again with permission, the poor conditions of the animals and their habitat were obvious. From the neighboring property lines, I could see lions, tigers, wolves, bears, dogs, pigs, a llama, and an emu. All these animals appeared to be alive, though a dead cow, two dead calves that were partially covered with a sheet, and a dead horse that had its rear end sticking out from underneath a piece of tarp could all be seen on the property. Ms. Morris used these remains as food for her animals, though the conditions raise significant questions about the meat’s quality. Also visible on the property were piles of carcasses that were at some previous time set on fire. The remains included a multitude of bones.

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46 See Appendix (pages 94-96) for USDA regulations for the humane handling of wild animals.
and pelts from what could easily be identified to be from some sort of wild animal, definitely not any type of farm animal. With a zoom in video camera, it was possible to see to the other end of the property housing all of these animals. These animals were living in very small cages, and were surrounded by their own excrement. An animal that in the wild would normally roam numerous miles in any given day had at most eight feet to move around.

In March, 2001, I filed a complaint with pictures of the property with the Holmes County Health Department, noting that several dead animals and carcasses were seen on the property. I also presented the information at the Washington Township trustees meeting held in March in which the trustees as well as members of the health board were present. I spoke of the safety of the animals and the conditions of the property, while other neighbors spoke of the possibility of the township or county putting up a perimeter fence along Ms. Morris’ property line to help the community residents feel safer from the possibility of an animal attack. The proposition for a perimeter fence was turned down as it required all township residents to pay for the fence, and not everyone was willing to donate to the cause.

In response to the meeting and for the attempt to remedy the situation, official complaints were gathered and presented to both the Health Board as well as the County Commissioners. While a standard search warrant was denied, the prosecuting attorney permitted the health department to issue an order that all dead animal bodies, carcasses,

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47 Appendix (pages 97-101) contain pictures of Ms. Morris’ property taken in March, May, and September 2001. These photographs document the conditions of the animals, their cages, and the property.
and trash be properly disposed of at a facility licensed to deal with such matters. In response to the order, the owner of the animals dug a large hole on her property, pushed the remnants in, and then refilled the hole. Despite the order from the health board, the disposal procedure was within legal bounds, and satisfied the health department.

Meetings continued to be held and the community became more involved as Ms. Morris and her animals gained publicity through media coverage. On March 26, 2001, a commissioner meeting was held at the Holmes County Courthouse in which several Washington Township residents and the health commissioner attended. The prosecuting attorney and the county wildlife officer were both invited, but were absent from the proceedings. This meeting dealt with the topics such as safety, violations, and public concerns revolving around Morris’ property. The legal issues dealing with the order that was sent to Ms. Morris to remove all dead carcasses, bodies, and garbage from the site was simply that if she didn’t comply within the given time, the county would give an extension along with a citation. All formal complaints made by the community surrounding Harriet’s property were also presented at the meeting. After approximately an hour of the commissioners explaining the legal situation to the public, everyone was politely asked to leave so that the commissioners could hold with a closed-door meeting. By their actions, it appeared that the county commissioners didn’t want to get involved and therefore would not have to accept the responsibility of any actions taken against Harriet Morris. However, one commissioner did express interest in seeing the condition of Ms. Morris’ property.
A third meeting, a public hearing, was held at the Lakeville Voluntary Firehouse by the Holmes County Health Board. This meeting allowed all members of the public to issue formal written complaints as well as the right to speak about them to the committee. 50-60 members of the community attended the meeting, including Ms. Morris and Joseph Connor, a man from Wayne County who housed, amongst other animals, a 500-pound Bengal tiger, a three-year-old liger (result of breeding a male lion with a female tiger), and a baby lion on Ms. Morris’ property. Members of the county commissioners committee, the dog warden, and others also attended. Harriet Morris was given the chance to defend herself against neighbors’ complaints at the beginning and at the end of the meeting. The board asked her and Mr. Connor to give an inventory of the wild and dangerous animals on her property. Harriet listed off a couple cats, three bears, and some hybrids, but denied owning any wolves. Mr. Connor explained that an approximately six-month-old cougar, a liger, a young lion, and a Bengal tiger were also kept on the property. Questions directed toward Ms. Morris continued for quite awhile. She explained that she cleaned the animal cages every other day, and that her method for cleaning involved a separate cage attached to each cage. The process involved placing the animal in the attached cage, cleaning the main cage, putting water and food out, laying straw, and then placing the animal back in the cage. Unfortunately for her, however, the board didn’t appear as convinced about the effectiveness or regularity of her cleaning methods as she may have hoped.

While Ms. Morris argued that she treated her animals well and that the surrounding community was safe from attacks, accounts from other community members
expressed the opposite opinion. One young man, who at one point had been employed by Ms. Morris to mow her lawn, stated that he often ran into bones and dead animals when working on her property. Another resident stated that he and his family lived just over a small field from Harriet, and that one day, when his children were playing outside, he heard screaming and ran outside to come face to face with an emu that was trying to attack his children. Without a second thought, he shot the emu repeatedly to save his children from harm. When Harriet was approached about the emu she denied ownership.

While these meetings led to no action on the part of government officials regarding animal neglect or community endangerment on Ms. Morris’ property, in October of 2001, her land holdings (totaling eight acres) went up for sheriff’s auction due to a large sum of money owed from loans used to buy the land. A woman from Maple Heights, Ohio, purchased the property for $40,000. In an investigation into the sale done by the judge in charge of handling the sale, the sale was determined to be illegal. The understanding of the sale was that anyone could purchase the land as long as it was not a party bidding on the property on behalf of Harriet Morris. The lady from Maple Heights was found to have purchased the land to allow Harriet to stay on the land. It was also found that this woman was the owner of several wolves and a cougar that were being housed on Ms. Morris’s property. The sale did not go through and the property was announced for auction once again.

On January 17, 2002, the eight acres were sold at auction for $22,000 to Mr. Simon Turrel of Lakeville, Ohio, who also owned property directly in front of Morris’ land. The following week the deed transferred and the property legally belonged to Mr.
Turrel. Ms. Morris was given a period of 21 days in which she had to remove her personal belongings, her animals, and herself from the property. The deadline was set for February 13, 2002 midnight. During the time after the sale and the day Ms. Morris was required to leave the premises, she twice filed for 60-day extensions, which would enable her to stay on the land longer, but she was denied both attempts and required to vacate the land as scheduled. On February 13th at approximately 3 pm. Ms. Morris showed her first attempts at removing some of the animals and her belongings. Several of the animals were removed from the site after the new property owner extended her time until 9 a.m. the following morning. Anything remaining on the property at that time would become the responsibility of the new owner. She vacated the premises, leaving behind two trailers, a mid size trailer, cages, carcasses, automobiles, three bears, a fox, coyote, two pot belly pigs, some birds, and several domesticated dogs including wolf and husky hybrids, raccoons, a skunk, a young tiger, and three wolves. Of those animals remaining, the 3 bears, coyote, tiger, and fox were required by authorities to be euthanised due to their poor health. The bears were extremely sick and at this time had been severely malnourished. In the state of Ohio, coyotes are required by the Department of Natural Resources to be euthanised and therefore could not be placed in a home. All animals that remained would become the responsibility of Mr. Turrel as well as paying the $90/hour bill for the vet that euthanised the other animals.

Despite her financial problems, Ms. Morris wanted the animals confiscated by the dog warden returned to her. She filed charges against the dog warden, but her complaints were dismissed from court. In the end, Ms. Morris is being charged with cruelty to
animals on 22 different counts and facing serious penalties, though all of these charges stem from her treatment of domesticated animals, such as the dogs that lived in her trailer. No charges have been brought against her regarding the situation of the caged animals housed on her property. She denies committing any wrongdoing regarding the treatment or care of her animals and says that she had always been open to the community’s fears and concerns though many of her neighbors dispute this claim.

**Extent of the animals**

Ms. Morris housed numerous different animal species, several listed as endangered, on her land. Most of them belonged to her, while a few belonged to residents outside the county, such as the animals owned by Joseph Connor. Ms. Morris’ land provided an optional holding place for animals whose owner lived in counties with stringent rules and regulations regarding animal ownership. Some of the owners took an active role in caring for the animals, as Mr. Connor was seen feeding his animals periodically at Ms. Morris’ residence. Others, such as the woman from Maple Heights who tried to purchase the land, relied on Ms. Morris to feed and care for the animals. The woman from Cuyahoga County owned most if not all of the wolves on the property, a number that varied between six and ten depending as some wolves died and new ones were acquired. Ms. Morris’ confirmed personal holdings included one male lion, a five year old tiger; either a Bengal tiger or a mix between a Bengal and Siberian tiger, two black bears, one cinnamon bear, several wolf and husky hybrids, a cougar, an emu, two pot-bellied pigs, an arctic white fox, a red fox, a llama, two pygmy goats, a skunk, close to one hundred dogs, a donkey, and a lemur. This is a list of the inventory on her land
during the time of my observation beginning in March of 2001, until February 14, 2002. Before that time, she previously owned snakes, alligators, several cougars, a monkey, and various other animals.

**How she acquired the land and animals**

Two men previously owned the land that Ms. Morris lived on at 14750 Twp. Rd. 469. One of those men sold the eight acres to Harriet without the other owner’s permission. This sale took place around the years 1994-1995. Before she moved to this site she lived on County Rd. 22, just down the road from where this property was located, and in Ashland County. She also housed several animals on this property. When the owners were able to legally make her vacate the premises, they had to burn the trailer she was living in due to its decrepit condition.

In public hearings, Ms. Morris has told the public that she first acquired animals by purchasing them through exotic animal sales and auctions such as the mid-Ohio Exotic animal sale in Mt. Hope, Ohio. The auction facility is licensed through the USDA allowing for the sale of these animals, which, at the time of sale, are required to be of a certain size and in cages. The sale happens twice a year, once in the fall and once in the spring, usually September and April. People registered with the auction are sent a brochure in advance to make them aware of the animals that will be sold at the next auction.\(^{48}\) Partially due to financial constrains, however, Ms. Morris stopped attending these functions, and instead of buying animals, she took in pets that were not wanted by people. She claimed that the animals that she had on her property were abused or

\(^{48}\) A copy of a brochure for an exotic animal auction is provided on Appendix (pages 104-105).
abandoned, and were either brought to her or that she was called to pick up. Ms. Morris has received donations over the years to help support her efforts to care for the animals, especially after moments of publicity, such as a news broadcast in September 2001, about her facilities, however, the money usually goes toward buying other animals instead of buying food or upgrading her facilities for the housing of current animals.

**Community opinions**

For years now, the neighborhood around Ms. Morris’ property has been upset with the situation. While a portion in the county was fairly apathetic towards the situation, this group consisted mainly of residents who lived outside of the affected area. Residents living near Ms. Morris’ property, on the other hand, took a strong stance against her animals and methods for their care. Complaints were filed over the years for foul smells coming from Harriet’s property. As documented, often times, Ms. Morris would burn carcasses of her dead animals or remains of dead cows, horses, or other farm animals that were dropped off on her property and used to feed her animals. One neighbor felt that the smoke and the smell coming from the property contributed to her daughter’s health problems. Another neighbor had to deal with the death of a goat after a wolf was said to have escaped from Harriet’s cage in search of food. One more neighbor had to deal with feces from the animals on Harriet’s property washing into her pond during rain storms. She also had to tolerate rats coming into her house from Harriet’s property. Along with these issues of health and safety, surrounding residents had to endure the ceaseless noise of animal howls and roars that emanated from the property.
The majority opinion of the neighborhood was mutual: They wanted Harriet Morris and her animals out of the area.

Nonetheless, there were people in the county that believed Ms. Morris was doing a good thing by taking care of these animals. One county police officer felt that Harriet was doing a superb job. He said that he agreed that she didn’t have much money and possibly needed more, but overall she was helping these animals. He claimed that he had taken his picture with one of the tigers on the property and didn’t feel that the animals posed any sort of threat.

**County feelings and responsibilities**

The impression received from the county over the years was that nobody was interested in curing the problem. My impression from the county officials was that nobody wanted the responsibility of dealing with the situation of so many animals being neglected. Ignoring the situation was the easiest thing for the health department and other figures of power to do. However, after presenting pictures and filing a complaint with the health department in concern of several carcasses and dead bodies on Harriet’s property, the prosecuting attorney had no choice but to allow the health board to address the problem.

After the series of public hearings, the health department created a regulation pertaining to the entire county and the ownership of wild and dangerous animals located under the district of the Holmes county health department. The Regulation was passed on October 25, 2001, and was put into effect immediately.
Fate of the remaining animals

After Ms. Morris was forced to vacate the property due to her financial problems, the remaining animals on the property all had different outcomes. Mr. Turrel kept some of the birds and gave others to his neighbors. The skunk and raccoons were given to other neighbors. The pot-bellied pigs remained on the property and were alive as of February 16, 2002. I am unsure of their outcome. However, the three wolves were on their way to a rather pleasing conclusion in comparison to the situation that they were in. Mr. Turrel was informed by the Holmes County Sheriff that he would not be permitted to shoot the wolves; they would have to be placed in a home or he would have to care for them. Mr. Turrel wanted neither the responsibility of caring for the animals nor the worry about the consequences if one escaped. He in turn gave me permission to take care of the wolves, which would include feeding and watering them, as well as finding homes for them. I spoke with Mr. Turrel on Friday February 15, 2002 at 1:15pm. and we both agreed to my caring for them until I placed them in homes. On Friday evening after my brother returned from work, he and I went to feed and water the wolves. I spoke with a veterinarian from the Cleveland Zoo earlier in the day to understand what to feed the animals. I was told 3-5 lbs. of dry dog food mixed with canned dog food and plenty of water. When we arrived the wolves started crying and just stared at us waiting anxiously for something to eat. We gave each wolf the suggested amount of food and a full bucket of water. The wolves had no negative responses to our actions, however they did appear scared. Their reaction to the food and water was

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49 See Appendix (pages 102-103) for pictures detailing the conditions of Ms. Morris’ trailer after she left.
positive and it seemed as if none of them had eaten or drank anything for quite some time. We were even able to spoon feed one of them while the others kept their distance. Overall, the wolves appeared to be in good physical shape. After several observations of Ms. Morris’s animals, I determined that the three wolves were some of her newer animals. While they appeared to be hungry, they were in good shape. The following day, the 16th of February 2002, my father and I went back to feed the wolves a smaller
portion at around 12:45pm. I had decided to feed the wolves twice that day. They had eaten all their food and drank a lot of water from the previous day. In hopes to help them come out of their probable state of dehydration, I fed them only canned dog food this time. At this time none of them seemed extremely interested in the food, but rather the water. Also, they were quite distracted as several men were working on the property clearing away the rat and feces infested trailer that Ms. Morris lived in. Fire was burning, motors were running, and guns were shooting rats as they scurried to nearby neighboring properties. The wolves were alert, nervous, and scared.

I told Mr. Turrel that I was positive that I could place the animals and it was just a matter of getting in contact with the people because it was the weekend. My father and I returned home from feeding the wolves around two. I made several calls to place the three wolves, and had received one potential notice for housing. After my father and I returned later from town and buying chicken to give to the wolves, I received a message on the answering machine that there were threats being made to kill the wolves that Saturday evening. I immediately made a couple of calls and found a guaranteed rescue facility called the Ohio Wilderness Center located in Columbus, Ohio. The woman working there told me that they don’t normally travel so far, but with the circumstances and threats of shooting the animals, she would send her field person in charge of picking up animals as soon as she contacted him. In the meantime she had given me another person’s name, for backup, that would also pick them up. I made calls to this person as well as the sheriff. I informed the sheriff of the threats that were spreading and wanted them to warn Mr. Turrel that he couldn’t legally just shoot the wolves. The sheriff
informed me that Mr. Turrel had already been warned and that they couldn’t do anything at that point. However, if I arrived on the property and found that something had happened to the wolves, then there would be a criminal charge and a deputy would immediately be sent. At around 4:45pm I had called Mr. Turrel to inform him that he was not able to shoot the wolves and that I had a facility that would pick them up that night. A message was left with Mr. Turrel’s girlfriend, who was asked to pass the message on. My father and I arrived to feed the wolves at about 5:45pm, but we were too late as the wolves had been shot dead. A group of seven or eight men who had been drinking were standing around enjoying themselves. I confronted Mr. Turrel, who I do not believe was involved in the shootings, and explained that I had to report it to the law.

After returning home at 6 p.m., I called the sheriff and told them that the wolves had been shot. Three deputies were sent to my house where I filed a report\(^{50}\) as to the agreement I had with Mr. Turrel and what had happened to the wolves and what Mr. Turrel and I had said to each other when I arrived to feed the wolves for the second time on Saturday February 16, 2002. The deputy said that the county will prosecute under “cruelty to animals,” and I would be called to testify. However, after review of the case, the assistant prosecuting attorney decided not to prosecute. He claimed that the animals were trespassing and that Mr. Turrel was permitted to shoot them if he wanted.

Unfortunately, federal legislation has no regulations for the killing of these particular wolves because all the purebred wolves that they are aware of are all radio collared.

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\(^{50}\) See Appendix (pages 106-110) for a copy of the police report filed in the case.
Most likely these wolves were wolf hybrids, and as they are not listed on the ESA, there are no laws in the state of Ohio that would prosecute the shooters.

**My thoughts**

Imagine a mouse in a pint size jar, it’s running in circles trying to get out, it wants food, water, air, somebody’s house, a normal life. This is an exact portrayal of many animals on Ms. Morris’ property. In the end, the most disturbing aspects of the case is the way in which it points to the ineffectiveness of the current systems of laws in preventing animal abuse.

Three wolves were shot and killed for no apparent purpose. The assistant prosecuting attorney gives the excuse that he denied prosecution because the animals were trespassing; giving the new property owner every right to kill them. The sheriff says that these animals were not trespassing, contradicting what the attorney says. At the same time, the sheriff denies ever telling Mr. Turrel or myself that Mr. Turrel was not permitted to shoot the animals, although Mr. Turrel said that the sheriff did inform him that he wasn’t allowed to shoot them. The dispatcher at the sheriff’s office also said that Mr. Turrel had been warned about shooting the animals. The dispatcher also told me that if I found that something had been done to the wolves, the action would be a criminal offense and deputies would be sent out immediately. She took these words directly from the sheriff in charge and simply relayed the sheriff’s message for me. However, now there is denial and confusion with the political system in the county, and nothing is being done. Part of the problem also arises from the fact that the wolves were supposed to be
recovered from the property as evidence, though the sheriff failed to follow through with this action.

Ms. Morris’ case points to the need for better regulations concerning the protection of wild animals. Currently, the laws prevent little recourse in resolving these situations without full support of local government officials. Most would agree that the animals were forced to live in disgusting and pathetic conditions when they see pictures of the property and animals, but Ms. Morris’ case demonstrates that this means very little with regards to current laws. When one looks at the pictures of Ms. Morris’ property, it is difficult to understand why it has taken so long for anything to be done to remedy the situation.

**County regulation**

As a result of these concerns, the Holmes County Health Department developed Regulation 1803, which would require special licensing and tagging for owners and certain animals living in Holmes County. After board approval, the act was enacted on October 25, 2001. Regulation 1803 requires owners or harborers of specific animals listed in the regulation to register the animals with the board of health. Each animal requires a separate permit. Special identification procedures such as tattooing or tagging the animals are required as well as liability insurance at a price of $500,000. Housing requirements for the animals must follow the American Zoo and Aquarium Association’s (AZA) most recent version of “AZA’s Minimum Husbandry Guidelines for Mammals”. Perimeter fences are required as well as protection against weather conditions. In the

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51 See Appendix (pages 111-118) for a copy of Holmes County Regulation 1803.
case of an animal escaping, the property owner must notify the health department and/or the Sheriff immediately. Frequent inspections of the animals and their conditions are permitted and at any time that a person is found to be delinquent of the regulation’s requirements, the health board has authority to prosecute the animal owner and have the animals removed. Currently, the regulation has yet to take effect. While it met approval and was passed, the health department claims that they have other priorities and are not yet prepared to handle the regulation and the rules that are required under it.

Also, the potential effectiveness of the regulation is questionable, as similar to the ESA and regulations of the USDA and USFWS, the Holmes County Regulation 1803 is quite vague in discussing what exactly happens in situations where animals are not permitted by the USDA or are not native to a specific location. All of these agencies and regulations pertain to the protection of animals, however they do not all appear to be protecting animals effectively. The ESA is enforced by the USFWS, who claims that if a species is not native to a certain area, there is nothing that can be done. The USDA claims that even though they may have permitted someone and given them a license to have certain animals at some point, if that person isn’t licensed with the organization at the time animal cruelty accusations are brought about, the USDA cannot do anything but stand by and watch. Regulation 1803 has been enacted, but if it is not enforced, it serves no purpose. Even with the various regulations and enforcing agencies, under similar circumstances, Ms. Morris could easily buy property, house animals in poor conditions, and suffer no consequences.
Chapter 4

Discussion of results

Analysis

The case study suggests that Ms. Morris was completely within the legal bounds of the law in her ownership of wild and exotic animals, but it also points to loopholes and flaws with the system of enforcement. Before Harriet Morris ever moved to Holmes County, she checked on the zoning laws\(^{52}\) and any other regulations pertaining to the ownership of her animals, all of which at that time allowed her to housing her animals on the property she purchased. Ms. Morris settled into her new place with no complaints from the surrounding community or the county officials, at least with respect to her housing several wild animals.

Along with county zoning laws, Ms. Morris was also required to adhere to the regulations of numerous government agencies on the state and federal level. The ODW, for example, has a list of specific animals that must be licensed through the agency in order for a person to own or sell them. Some of these animals include bears, fox, coyotes, bobcats, pheasants, quail, and deer, but not animals such as lions, cougars, and bison. However, wildlife officers in Ohio do not have the authority to enforce laws against animal abuse or cruelty. Nor do they have the authority to enter private property for the investigation and enforcement of laws or division rules relating to game or fish. Consequently, cases of animal abuse are normally referred to the local humane society.

\(^{52}\) With the exception of Millersburg, Holmes County has no zoning regulation. Washington Township had at one point considered possible zoning regulation, though the idea was rejected by voters.
The ODW gave Ms. Morris permission to house three bears and other animals on her property. All she had to do was apply for a propagator’s permit and pay a small fee, which varies depending on whether or not the applicant seeks to sell animals. The registration and granting of the license covers the extent of the ODW’s jurisdiction in Ms. Morris’ situation. According to the Holmes County wildlife officer, as Ms. Morris’ paperwork was in compliance with the agency’s regulations, the ODW could do nothing about property conditions. The agency has no official guidelines to cage size, appropriate weather protection, tags, etc., regarding animal care, and nothing in writing states that proper care of species needing permits through the ODNR is required. The agency simply mandates the possession of a license, as explained in the Ohio Revised Code Section 1533.71, which “requires that any person desiring to sell or keep game birds, game quadrupeds, fur bearing animals or reptiles and amphibians must first obtain either a commercial or non-commercial license from the Division of Wildlife.”

The problems with the regulation is clear through the example of Ms. Morris’ situation, where permits dictate the right to animal ownership, but fail to regulate the conditions of this right.

Compliance with the law also required Ms. Morris to obtain a license from the USDA, the organization responsible for the licensing and registration of exhibitors, breeders, researchers, and transporters of exotic or wild animals. While the ODW regulations are based on the types of animals owned, the USDA regulates activities involving animal owners. Registrants must follow rules and regulations under the USDA.

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in protecting their animals, and inspections are completed annually to assure compliance. In the beginning, January 1997, Ms. Morris applied for a license as a breeder and a roadside zoo under the name Long Lane Exotics. In the most recent years, however, Ms. Morris was not registered with the USDA, limiting the government’s power in this situation. Because she had no current permits or paperwork with the USDA, the agency had no jurisdiction to inspect her property or her animals unless she was illegally breeding, selling, or exhibiting her animals. Although the USDA played a major role in Ms. Morris’ ownership of the animals by originally giving her permission to own, breed them, and exhibit them, as her facilities fell to extremely poor conditions, the USDA could do nothing.

As time passed the problems at Harriet’s property only increased. Her animals suffered and no authority figure was able to do anything about it. The Health department did all that they could do in attempting to ensure a healthy environment for the surrounding community, but they had no authority over the conditions for Ms. Morris’ animals. In the end, Ms. Morris’ case demonstrates the limits of the current legislation. Due to the hierarchy and restrictions of government agencies, Ms. Morris was perfectly legal in her actions. No organization was permitted to inspect her property without a search warrant or seize her animals.
Overview of agencies and organizations

The USDA is crucial to the safety of several animals owned by thousands of people throughout the United States. In 1966, a law called the Laboratory Animal Welfare Act was enacted and was responsible for regulating dealers handling dogs and cats, as well as research laboratories that did research on dogs, cats, hamsters, guinea pigs, rabbits, or nonhuman primates. In 1970, the first amendment to this law was passed and its name changed to The Animal Welfare Act (AWA). This amendment allowed for the regulation of other warm-blooded animals when being used in research, exhibition, or the pet trade. Twenty years later, concerns for pet protection and injunctive relief were added to the AWA. The injunctive relief provision allows the Secretary of Agriculture to seek an injunction when licensed entities violate the AWA. These injunctions are used when an animal’s health and safety are in danger or when animals have been stolen.\(^{54}\)

The AWA has played a major role in protecting several animal species, though it is not without its faults. During the same time that possibilities were being examined about Harriet and her animals, similar issues were being dealt with by the USDA at a facility in Akron, also in Northeast Ohio. A place called L & L Animal Farm owned by Marty Davis, was not put under investigation by the USDA until a local television station broadcasted a story about the poor conditions of the facilities and the animals. Mr. Davis had and still has his facility licensed through the USDA. Reports from both the news story and later investigations by the USDA told that animals were thin, they needed more

food and water, some cages needed to be repaired, excrement was found in several cages and needed to be cleaned out. This was not Mr. Davis’ first experience with publicity, as several years earlier his child was killed by one of Mr. Davis’ pet tigers that lived in his house. Mr. Davis continues with his collection of animals and is currently still under investigation by the USDA for the maltreatment of his animals. He is being watched to ensure that no illegalities are being conducted, such as participation within the illegal pet trade or the killing and selling of animal pelts for profit. While the news team was under cover at Mr. Davis’s property he proudly admitted that he would sell his animal pelts to absolutely anyone that would pay, however he would never purposely kill his animals for this activity. He only sells if one of his animals dies of natural causes.

According to USDA regulations, all dealers, researchers, exhibitors, carriers, and intermediate handlers must be licensed or registered through the agency or they are subject to examination due to illegal operation. Table 2 gives a comparison between registrants and licensees with the USDA from 1998 to 2000. For the sake of this paper facility is defined by the USDA as “the holder of the license or registration. Each facility may have only one license or registration number but may be physically divided into two or more sites.” Site is defined as “all regulated components of a licensed or registered facility within the same geographical location, typically within a 35-mile radius” (USDA, 2001). It can be seen that throughout the United States facilities increased in number, though not extensively. The greatest growth occurred among Licensed Class A dealers, where there was an increase of 541 facilities from 1998 at 2,892, 1999 at 2,986, and 2000

55 It is important to note that Mr. Davis was found not guilty of child endangerment in this case.
Table 5. Number of Registrants and Licensees, By Facilities and Number of Sites (FY 1998-2000)\(^{56}\)

<table>
<thead>
<tr>
<th></th>
<th>Registered Intermediate Handlers</th>
<th>Registered Carriers</th>
<th>Licensed Class A dealers</th>
<th>Licensed Class B dealers</th>
<th>Licensed exhibitors</th>
<th>Registered exhibitors</th>
<th>Active research facilities</th>
<th>Inactive research facilities</th>
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<td>2000</td>
<td>Facilities</td>
<td>Sites</td>
<td>Facilities</td>
<td>Sites</td>
<td>Facilities</td>
<td>Sites</td>
<td>Facilities</td>
<td>Sites</td>
</tr>
<tr>
<td>Total United States</td>
<td>302</td>
<td>422</td>
<td>86</td>
<td>800</td>
<td>3,433</td>
<td>3,391</td>
<td>1,179</td>
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<tr>
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<td>5</td>
<td>7</td>
<td>2</td>
<td>16</td>
<td>31</td>
<td>31</td>
<td>35</td>
<td>38</td>
</tr>
<tr>
<td>Total United States 1999</td>
<td>276</td>
<td>432</td>
<td>86</td>
<td>893</td>
<td>2,986</td>
<td>3,039</td>
<td>1,085</td>
<td>1,169</td>
</tr>
<tr>
<td>Ohio</td>
<td>5</td>
<td>16</td>
<td>2</td>
<td>21</td>
<td>25</td>
<td>28</td>
<td>35</td>
<td>37</td>
</tr>
<tr>
<td>Total United States 1998</td>
<td>292</td>
<td>465</td>
<td>90</td>
<td>858</td>
<td>2,892</td>
<td>3,024</td>
<td>1,034</td>
<td>1,144</td>
</tr>
<tr>
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<td>21</td>
<td>27</td>
<td>32</td>
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</tr>
</tbody>
</table>


totaling 3,433. The second largest growth within the United States occurred among facilities owned by licensed exhibitors, while the greatest decrease happened within the active and inactive research facilities. In comparison, Ohio, increased the most with licensed exhibitor’s facilities and sites, while decreasing in the majority of the other classifications.\textsuperscript{57} Although numbers do not appear to grow tremendously in facilities and locations, this does not mean that the number of animals being kept by these licensees and registrants is not growing. In fact, the general understanding is that there is so much breeding happening that there is a major overstock of animals in these facilities and in the end there are not enough places to care for the growing populations.

\textbf{USFWS}

These growing populations of several species include several threatened and endangered species. The United States Fish and Wildlife Service, through the power of the ESA, is the agency in charge of ensuring the safety of these endangered species. Although, I thought that some of the animals being held on Harriet’s property would be protected under this act, the USFWS informed me otherwise. Any animal that would be protected anywhere in the U.S must be native to the area, and according to the USFWS and the ODW, in Ms. Morris’ case, wolves are not native to the area, and are therefore not protected by the ESA. These limitations are especially significant in the case of animals such as Bengal tigers, as not a single Bengal tiger anywhere in the country is protected because the species is not native to any place in the United States. The ESA has some preventive measures in these cases in that the act prohibits the illegal

importation or exporting of exotic or invasive species, in which a Bengal tiger could be classified. But in cases where tigers are legally brought into the United States, the ESA has little power. Animals suffer and sometimes die and simply because they are not native they cannot be protected, as the USFWS had no authority in situations similar to that of the tigers on Ms. Morris’ property.

**Prosecution**

Unfortunately, in rural areas away from city governments and zoning laws, most situations involving animal cruelty depend on the local prosecuting attorney’s decision on whether or not to press charges or investigate the matter. In Holmes County, without strict laws pertaining to what can and cannot be done on one’s property, cases such as Ms. Morris’ appear. Despite evidence pointing to instances of animal cruelty on Ms. Morris’ property, the Prosecuting Attorney has, for several years, refused to issue a warrant for the health department to enter onto Harriet’s property for inspection. He has also ignored charges filed by the county dog warden, and dismissed charges filed by the county sheriff’s office in relation to the shooting of the three wolves still on the property. Ms. Morris’ case exemplifies a problem found in many rural settings in which everything seems to depend upon the decision of one legal figure.

**Other Non-Profit Organizations**

Often times, the public mistakenly assumes that organizations such as the Humane Society and *People for Ethical Treatment of Animals* (PETA) play a major role in dealing with situations such as the one described in the case study. However, although some non-profit organizations may have a respectable name, they may not always want
or be able to take the responsibility. The situation was difficult indeed, and would require a serious commitment of time and money to address. Also, in some cases (Ms. Morris’ being a prime example), a local humane society may not even exist. In this particular case, a local humane society was formed only after the situation at Harriet Morris’ property was nearly over. In cases as localized as Ms. Morris’, the national chapter of the Humane Society relies on local branches to address the situations. PETA chose not to take action in this case. Thus, with no mandate such as those given to government agencies, neither PETA nor the Humane Society had to address the situation despite their knowledge of the conditions on the property.

**The role of zoos**

Extensive breeding is not only happening in private facilities, but also in zoos around the nation. Zoos aim to educate and please the public and the public likes to see young animals, not old. When the zoos are finished with the older animals, they are added to a list called the “Surplus List,” and breeders are able to purchase these animals from zoos. Though this is what breeders have said about the understanding of the list, zoos have denied this idea by saying that the surplus list tells other zoos where there are animals available for breeding, though this reason does not explain why the list is titled *Surplus*, as opposed to something similar to *Animals Available For Breeding*. The idea of a *surplus* list points to another problem—overbreeding in zoos, which causes a serious problem when too many animals are present and not enough good homes are available to care for them. This surplus of animals can end up going to individuals who have no idea how to properly care for them, and they could be housed in a manner similar to the
conditions found on Ms. Morris’ property, where food, adequate sizes of land, and the manpower required for cleaning, caring, and feeding the animals are not provided. This all becomes an issue because the USDA or zoo’s play no role in protecting these surplus animals even though they allow the breeding to take place. The study of Ms. Morris’ property suggests that if the USDA and the zoo’s play a responsibility in producing extensive population’s of animals, then they should also play a role in caring for them, protecting them, and decreasing the surplus so that more animals do not suffer.

**Psychological issues**

Harriet Morris’ case also points to an issue of growing concern in the scientific and psychological community—animal hoarders: people who own extensive numbers of animals without the financial, physical, or mental means to care for them. This term identifies a person with or without psychological problems when dealing with collecting and caring for animals. Some people are capable of properly caring for the numerous animals he/she may have, but others clearly are not.

The hoarding of animals is no simple matter and should not be ignored. Within the past decade several hoarding instances have been identified. In Oregon, a woman was housing 115 dogs, four cats and two roosters in an old school bus. Law enforcement had to use gas masks to enter the bus because the stench was so appalling. The owner felt that she was helping these animals and believed that people were against her because she did not support euthanasia for unwanted pets. The prosecuting attorney in her case said “her defense was that she was doing the very best job using alternative methods of caring for these animals and this was part of a giant conspiracy to take her animals from
her.” The owner of these animals was charged on 42 counts of animal neglect and spent seven months in prison.\(^{58}\)

In another case three women were evicted from their house in the matter of just a few hours when it was found that they had been living with nearly 250 dead and dying cats. Of these cats, 108 were found dead in the garage and 83 more were euthanized by a veterinarian. It was concluded that the dead cats probably suffered from Feline Infectious Perintonitis, which has a mortality rate of nearly 100 percent.\(^{59}\) In Norwood, Ohio, an 84-year-old woman was living in a house with more than 50 cats. She slept upright in a chair, the only furniture left that the cats hadn’t clawed up, surrounded by a floor covered with cat urine and feces. The woman thought that she was being stalked by health officials so she covered her front windows with plastic and ignored everyone that came to the door, including her own daughter.\(^{60}\)

These cases of animal hoarding and the uncaring of animals go on everywhere. According to a study by Gary Patronek it was found that between 700 and 2,000 cases of animal hoarding are reported each year, which averages out to one case of animal hoarding for every 100,000 people in the United States. Thus far, little research has been done to address the problem of animal hoarding. Patronek reports that in a word search in MEDLINE using the terms hoarder, collector, and animal only revealed one paper that


was published in 1981. The lack of research on animal hoarding poses a problem with identifying what causes these people to collect so many animals and not care for them properly, while thinking that they are doing nothing wrong. Perhaps because of this lack of information, animal hoarding has not been recognized as a stand-alone psychological disorder, but rather a manifestation of obsessive compulsive disorder (OCD). Two to three percent of the human population suffers from OCD and of those cases, 15 to 30 percent have hoarding as their main symptom. However, of these 15 to 30 percent, it is not known what percentage would classify as animal hoarders or as inanimate object hoarders.

One of the major issues with animal hoarders and communities is figuring out a way to solve the problem. In most cases, including Harriet’s, animals are usually taken away from the owner, who in turn settles in another community and restarts the hoarding cycle. Nonetheless, communities are amending and enforcing more laws as time goes by. Illinois, Vermont, New Mexico, California, and several other states are stepping up their actions on animal cruelty and animal hoarders. The hope is simply that the issue will eventually be dealt with at federal level rather than just city, county, or state.

**Summary**

The outcome came to a majority of responses from organizations, “That’s not in my/our jurisdiction” or “There’s nothing I/we can do.” After half a year of phone calls

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and emails, I realized that no matter who I called, nothing legal could be done to protect these animals, whether they were endangered and threatened or not. The conditions of Harriet Morris’ property were terrible, but she was within her rights.

In a growing community, as population spreads to the fringe, people don’t know what to do. People begin complaining and the county hears complaints, but nobody knows what to do to effectively deal with the situation. In bigger highly populated suburbs, these issues are taken seriously. If there is neglect on a dog, someone gets into trouble. If zoning regulations prohibit the ownership of such wild animals, someone gets in trouble if they own one. Population spreads from the metropolitan areas to the suburbs and then onto rural areas. As this population spreads, more and more rules and regulations will have to be enacted simply for the protection of other human beings and for the animals themselves. However, for now, Holmes County will sit and wait, most likely, until zoning laws need to be enacted and enforcement of its regulation are necessary.

It is apparent that the ESA does play a role in protecting endangered and threatened species from being harmed. However, it focuses more at a federal level in that if a federal agency is going to potentially do harm to a species, then it will be investigated and whatever project that federal agency wanted to proceed with may be terminated. The ESA does not deal will individual cases, such as that presented in the case study

Captive breeding, often resulting in over breeding, needs to be limited, so that animals may persist healthily and within adequate habitats that can provide as much of their natural habitat as necessary. Limitation and correct management of captive
breeding will allow for a decrease in facilities permitted to own wild animals and treat
them in a proper manner at their leisure or not at all. Facilities and individuals will begin
to have problems with their actions on their property as urban sprawl continues. As
people begin to move outside of the dense urban and suburban areas and into more rural
communities, more of these situations are going to be brought to public attention. Laws
will be made, and wild animal owners will be regulated on what they do on their land and
how they treat their animals. More parks, citizens, and the government will begin to
focus on preserving more land for wild animals, such as that of the Florida panther and
black bear found roaming the park districts bordering residential areas in Florida.
Although specific locales and treatment procedures for this already overbred population
of “wild animals” may be a solution or at least help in the problems that currently exist, it
will not be easy to do especially when individual rights are brought into the picture.
Nonetheless, this may be one way to look at protecting the several species that are in
desperate need of help.
Chapter 5

Conclusion

After my research, it seems that my hypothesis was correct in the fact that it will become more difficult to own these classified wild and dangerous animals as local political figures create regulations and stipulations regarding people’s rights in how animals are treated on one’s property. Holmes County is a prime example. Conflict began with the condition of Harriet Morris’ animals and the manner in which they were being treated, a regulation was created and enacted, and if Ms. Morris’ land wasn’t sold at sheriff’s auction, she would have been required to follow the rules of Regulation 1803.

In relation to location of dangerous animals and different permit holders, it is true that more of these people can be found outside of urban areas, mostly due to zoning regulations which do not allow for the ownership of wild and dangerous animals. However, as the maps of permit holders show, individual owners of the animals discussed in this paper are not clustered at the urban fringe, but rather at various clusters throughout rural areas where most likely there are no zoning laws or other stipulations on what one houses on their land and how they treat them. Owning wild animals will become a bigger issue throughout the state as these neglect issues and concerns for safety are brought about at a local level. Eventually, there will have to be state regulations preventing situations such as one similar to Ms. Morris’ to occur.

Regarding my research, special consideration must be given to various issues that may affect the ultimate conclusion of my analysis. For example, in many communities, legislation regarding sprawl, animal ownership, and animal neglect is being drafted or
pending. If these measures pass, they may alter the status quo regarding the separation of duties between local, state, and federal agencies in such matters. Also important to note is the specificity of my data collection, and the questions raised about how well my research in Ohio will correspond or relate to situations in different communities and states. Through my discussion of sprawl, the enforcement of the ESA, and published reports of animal neglect outside of Ohio, I hope to demonstrate the significant similarities between the situation in Ohio and that of other states. If such correlation cannot be made, my research will not be rendered useless, as it will still be applicable to Ohio, and should at least provide a frame of reference for similar situations in other states.

The single reason that the animals were eventually removed from the property was not because of the fact that Ms. Morris was cruel to her animals, but rather because she failed to pay her bills leading to the sheriff’s auction of her home. For several years the problems that existed at Harriet’s was ignored and continues to be ignored. The reason for this can only be explained with the idea that nobody wanted to waste their time and get involved. The situation wasn’t important enough, the fact that animals were suffering and dying as a result of maltreatment simply mattered to neither the county nor the prosecuting attorney.
Works Cited


Reece, Jason. *The Urban Exchange Program.* The Ohio State University, May 21, 2002.


**Federal Agencies**


U.S. Department of Commerce. *1980 Census of Population: General Social and
Economic Characteristics. Part 37, OHIO, Volume 1, Section 1, Chapter C, Tables 167-C-3, August 1983.


Appendix
Past and Predicted Settlement Patterns for Ohio’s population from 1970 to 2010\textsuperscript{63}

\begin{center}
\includegraphics[width=\textwidth]{past_settlement_patterns.png}
\end{center}

\begin{itemize}
  \item 1970
  \item 1980
  \item 1990
  \item 2000
  \item 2010
\end{itemize}

\textbf{Settlement Pattern}
\begin{itemize}
  \item Rural
  \item Exurban
  \item Suburban
  \item Urban
\end{itemize}

Statutes from the Ohio Revised Code

1717.13 ANY PERSON MAY PROTECT ANIMAL
When, in order to protect any animal from neglect, it is necessary to take possession of it, any person may do so. When an animal is impounded or confined, and continues without necessary food, water, or proper attention for more than fifteen successive hours, any person may, as often as is necessary, enter any place in which the animal is impounded or confined and supply it with necessary food, water, and attention, so long as it remains there, or, if necessary or convenient, he may remove such animal; and he shall not be liable to an action for such entry. In all cases the owner or custodian of such animal, if known to such person, immediately shall be notified by him of such action. If the owner or custodian is unknown to such person, and cannot with reasonable effort be ascertained by him, such animal shall be considered an estray and dealt with as such.

The necessary expenses for food and attention given to an animal under this section may be collected from the owner of such animal, and the animal shall not be exempt from levy and sale upon execution issued upon a judgment for such expenses.

959.13 CRUELTY TO ANIMALS
(A) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. Division (A)(2) of this section does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, shelter means a man-made enclosure, windbreak, sunshade, or natural windbreak or sunshade that is developed from the earth's contour, tree development, or vegetation.

(3) Carry or convey an animal in a cruel or inhuman manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air, nor or [sic] feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water, and attention, nor permit such stock to be so crowded as to overlie, crush, wound, or kill each other.

(B) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water, and attention, may be extended to thirty-six hours without penalty therefore. This section does not prevent the dehorning of cattle.

(C) All fines collected for violations of this section shall be paid to the society or association for the prevention of cruelty to animals, if there be such in the county, township, or municipal corporation where such violation occurred.
# USDA Application for Registration

Every research facility, exhibitor, carrier, and intermediate handler not required to be licensed under Section 3 of the Animal Welfare Act, shall register with the USDA (7 USC 2136). This application provides information for such registration. See reverse side for additional OMB information.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>ANIMAL AND PLANT HEALTH INSPECTION SERVICE</td>
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<tr>
<td>APPLICATION FOR REGISTRATION</td>
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<td>(TYPE OR PRINT)</td>
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<tr>
<td>☐ Exhibitor (Complete items 1, 2, and Sections B and C)</td>
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<td>☐ Carrier (Complete items 1, 2, and Section C)</td>
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<tr>
<td>Applicant should send four (4) completed copies of this address:</td>
</tr>
<tr>
<td>USDA, APHIS, AC</td>
</tr>
<tr>
<td>920 Main Campus Drive</td>
</tr>
<tr>
<td>Suite 200, Unit 3040</td>
</tr>
<tr>
<td>Raleigh, NC 27606</td>
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## SECTION A

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<th>2. DO YOU USE OR INTEND TO USE DOGS OR CATS OR OTHER ANIMALS COVERED BY THE ANIMAL WELFARE ACT</th>
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<tr>
<th>5. ARE YOU USING FEDERAL FUNDS TO CARRY OUT RESEARCH, TESTS, OR EXPERIMENTS</th>
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<td>☐ Yes ☐ No</td>
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<th>6. IF &quot;YES&quot; IN ITEM 5, &quot;A&quot; OR SPECIFY</th>
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## SECTION B

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<th>10. NATURE OR ORGANIZATION OR BUSINESS (&quot;X&quot; one)</th>
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<td>☐ Private ☐ Commercial ☐ State, County or Municipal ☐ Federal</td>
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<th>11. TYPE OF OPERATION (&quot;X&quot; each applicable operation)</th>
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<td>☐ College or University ☐ Hospital ☐ Carrier ☐ Intermediate Handler ☐ Air ☐ Rail ☐ Marine ☐ Truck</td>
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## SECTION C

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<th>15. IF PARTNERSHIP, IDENTIFY EACH PARTNER OR OFFICER</th>
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<tr>
<td>IF CORPORATION OR ORGANIZATION, IDENTIFY PRINCIPAL OFFICERS (See reverse if needed)</td>
</tr>
<tr>
<td>A. NAME ☐ B. TITLE ☐ C. ADDRESS (Full address, including zip code)</td>
</tr>
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</table>

## CERTIFICATION

I hereby register as a Research Facility, Exhibitor, Carrier, or Intermediate Handler under the Animal Welfare Act, 7 U.S.C. 2136 et seq., and I certify that the information provided herein is true and correct to the best of my knowledge and belief.

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<th>17. NAME AND TITLE (Type or Print)</th>
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<th>18. DATE SIGNED</th>
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## ACKNOWLEDGEMENT OF RECEIPT OF REGULATIONS AND STANDARDS

I hereby acknowledge receipt of and agree to comply with all the regulations and standards contained in 9 CFR, Chapter 1, Subchapter A.

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**USDA Application for License**

**APPLICATION FOR LICENSE (TYPE OR PRINT)**

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<th>AMOUNT</th>
<th>FEES</th>
<th>DATE RECEIVED</th>
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1. NAME(S) OF OWNER(S) AND MAILING ADDRESS

2. ALL BUSINESS NAMES, LOCATIONS, AND ALL SITES HOUSING ANIMALS (P.O. Box not acceptable)

COUNTY: ____________________________  TELEPHONE: ____________________________

3. IF PREVIOUSLY LICENSED - NAME AND ADDRESS

COUNTY: ____________________________  TELEPHONE: ____________________________

4. NAME AND ADDRESS OF OTHER BUSINESS(S) HANDLING ANIMALS IN WHICH APPLICANT/LICENSEE HAS AN INTEREST

PREVIOUS LICENSE NO.: ____________________________

5. TYPE OF LICENSE

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<td>Dealer/Breeder</td>
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<tr>
<td>B</td>
<td>Dealer</td>
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<tr>
<td>C</td>
<td>Exhibitor</td>
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6. DATE OF LAST BUSINESS YEAR

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<td>MO</td>
<td>DAY</td>
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7. NATURE OF BUSINESS (Check those that describe nature of your business)

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<td>A</td>
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<td>Corporation</td>
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9. LIST OWNERS, PARTNERS, AND OFFICERS

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<th>ADDRESS</th>
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10. DEALER ONLY

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<th>TOTAL NO. OF ANIMALS PURCHASED IN THE LAST BUSINESS YEAR</th>
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<tr>
<td>CATS</td>
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<td>GUINEA PIGS</td>
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<td>HAMSTERS</td>
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<th>TOTAL NO. OF ANIMALS SOLD IN THE LAST BUSINESS YEAR</th>
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<th>TOTAL GROSS AMOUNT DERIVED FROM THE SALE OF ANIMALS</th>
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<th>DOLLAR AMOUNT ON WHICH FEE IS BASED</th>
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<tr>
<th>OTHER (i.e., farm animals)</th>
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<tr>
<td>(List Species and No.)</td>
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CERTIFICATION

I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct to the best of my knowledge. I hereby acknowledge receipt of and certify to the best of my knowledge I am in compliance with all the regulations and standards in 9 CFR, Subpart A, Parts 1, 2 and 3. I certify that I am over 16 years of age.

11. EXHIBITOR ONLY (No. of animals held or held during the last business year, whichever is greater)

12. SIGNATURE

13. NAME AND TITLE (Type or Print)

14. DATE

APHIS FORM 7003 (JAN 95) (Previous forms are obsolete) PART I REGIONAL OFFICE
Holmes County Health Board Order to Ms. Morris

HOLMES COUNTY
DISTRICT BOARD OF HEALTH
BOARD OF HEALTH ORDERS

IN THE MATTER OF:

Pursuant to Sections 3707.01 and 3709.22 of the Ohio Revised Code, the Board of Health of the Holmes County General Health District makes the following findings and issues the following Orders.

FINDINGS

1. [redacted] is the owner/keeper/harboring of vicious exotic animals (lion, Bengal tiger, black bear, mountain lions, wolves, alligators, etc.) on the property and under conditions that do not appear to meet the standards for licensure established by the United States Department of Agriculture (USDA) and which appear to pose a threat to the health and safety of people.

2. The keeping of vicious, exotic animals on the property as [redacted] without USDA licensure constitutes an immediate threat to the health and safety of people living within the Holmes County General Health District and is hereby declared to be a public health nuisance.

ORDERS

You are Ordered to remove all exotic animals currently kept on the property as appropriate, approved location outside the geographic boundaries of the Health District or to obtain licensure for all exotic animals from the United States Department of Agriculture within fourteen (14) days of the effective date of this Order.

You are hereby advised that upon violation of this Order, the Board of Health shall institute further action against you.

Issue date: November 21, 1997
Effective date: November 22, 1997

For the Board of Health of the Holmes County General Health District

Maurice Mullet, M.D.
Health Commissioner/Secretary

cc: [redacted] Prosecuting Attorney
Washington Township Trustees File

Certified mail: Z440690332 and regular mail
Ms. Morris' USDA Application

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<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td>2568A Riva Road, Suite 302</td>
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<td></td>
<td>Annapolis, MD 21401-7400</td>
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<td>ANIMAL AND PLANT HEALTH INSPECTION SERVICE</td>
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<tr>
<th>2. ALL BUSINESS NAMES, LOCATIONS, AND ALL SITES HOUSING ANIMALS (P.O. Box numbers also required)</th>
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<tr>
<th>3. IF PREVIOUSLY LICENSED - NAME AND ADDRESS</th>
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<th>PREVIOUS LICENSE NO.:</th>
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<th>4. NAME AND ADDRESS OF OTHER BUSINESS(S) HANDLING ANIMALS IN WHICH APPLICANT/LICENSEE HAS AN INTEREST</th>
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<th>5. TYPE OF LICENSE</th>
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<th>6. DATE OF LAST BUSINESS YEAR</th>
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| 7. NATURE OF BUSINESS (Check item(s) that describe nature of your business) |
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<th>8. TYPE OF ORGANIZATION</th>
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<th>9. LIST OWNERS, PARTNERS, AND OFFICERS</th>
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<th>TOTAL NO. OF ANIMALS PURCHASED IN THE LAST BUSINESS YEAR</th>
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<th>TOTAL NO. OF ANIMALS SOLD IN THE LAST BUSINESS YEAR</th>
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<th>TOTAL GROSS AMOUNT DERIVED FROM THE SALE OF ANIMALS</th>
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<th>DOLLAR AMOUNT ON WHICH FEE IS BASED (Sections 2.6 and 2.7)</th>
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<th>10. DEALER ONLY</th>
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<tr>
<th>11. EXHIBITOR ONLY (No. of animals handled now or held during the last business year, whichever is greater)</th>
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<th>CERTIFICATION</th>
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I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct to the best of my knowledge. I hereby acknowledge receipt of and agree to comply with all the regulations and standards in 9 CFR, Subpart A, Parts 1, 2 and 3. I certify that I am over 18 years of age.

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<th>NAME AND TITLE (Type or Print)</th>
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 Aph"is Form 7003-A (Rev. 8-01)
Copy of Complaint Against Ms. Morris

HOLMES COUNTY GENERAL HEALTH DISTRICT

NUISANCE COMPLAINT

COMPLAINANT:
Address: [Redacted]
Telephone: [Redacted]

LOCATION OF NUISIBLE:

DESCRIPTION OF NUISIBLE:

Did not exit vehicle—pulled up near mobile home, thinking maybe someone would come out. Could not see any burnt or charred areas, there were some weeds so visibility was not 100%. Bockid around area marked X which had scattered straw and crumpled plastic tarp. Tarp covering something. There were flies & odor present.

FOOTNOTES:

DATE ABATED:
Response to Nuisance Complaint

Holmes County
General Health District
931 Wooster Road • Millersburg, Ohio 44654
(330) 674-5035 • FAX (330) 674-2528
Toll Free: (877) 674-5035
e-mail: holmslth@valkyrie.net

Health Commissioner:
Maurice Mullet, MD
mholmslth@valkyrie.net

July 28, 1999

RE: Nuisance complaint filed 7/23/99

Dear [Blurred Name],

Thank you for bringing your nuisance complaint against [Blurred Address] to my attention. Thus far the Board of Health has been stymied in our attempt to abate this nuisance.

I personally accompanied an environmental health staff to the [Blurred Address] property on July 26. We did not get permission from the property owner to inspect the property. I attempted to have a search warrant issued and in the process learned from the assistant prosecuting attorney that burning a carcass is an approved method of disposal of dead animals under Ohio law. A search warrant could not be issued and we can not pursue the problem further.

You and your neighbors may want to consider consulting an attorney to see what options you have under a civil nuisance complaint.

Respectfully,

Maurice Mullet, M.D.
Health Commissioner

Healthy People Living Together in a Healthy Community
USDA Regulations for the Humane Handling of Warm-Blooded Animals

Subpart F—Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals


FACILITIES AND OPERATING STANDARDS

§ 3.125 Facilities, general.

(a) Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

(b) Water and power. Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available on the premises.

(c) Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) Waste disposal. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(e) Washroom and sinks. Facilities, such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among animal caretakers.


§ 3.126 Facilities, indoor.

(a) Ambient temperatures. Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature, to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

(b) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(c) Lighting. Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to
permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(d) **Drainage.** A suitable sanitary method shall be provided to eliminate rapidly, excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

§ 3.127 **Facilities, outdoor.**

(a) **Shelter from sunlight.** When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(b) **Shelter from inclement weather.** Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

(c) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(d) **Perimeter fence.** On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 6 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator. A perimeter fence is not required:

(1) Where the outside walls of the primary enclosure are made of sturdy, durable material, which may include certain types of concrete, wood, plastic, metal, or glass, and are high enough and constructed in a manner that restricts entry by animals and unauthorized persons and the Administrator gives written approval; or

(2) Where the outdoor housing facility is protected by an effective natural barrier that restricts the animals to the facility and restricts entry by animals and unauthorized persons and the Administrator gives written approval; or

(3) Where appropriate alternative security measures are employed and the Administrator gives written approval; or

(4) For traveling facilities where appropriate alternative security measures are employed; or

(5) Where the outdoor housing facility houses only farm animals, such as, but not limited to, cows, sheep, goats, pigs, horses (for regulated purposes), or donkeys, and the facility has in place effective and customary containment and security measures.


§ 3.128 **Space requirements.**

Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns.
soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt, shall be sanitized when necessary as directed by the attending veterinarian.

(c) Housekeeping. Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

(d) Pest control. A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.132 Employees.
A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this subpart. Such practices shall be under a supervisor who has a background in animal care.

§ 3.133 Separation.
Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort.
Pictures of Ms. Morris' Property (March, May, and September 2001)

Pile of trash, animal remains

Cow carcasses on property
Pictures of Ms. Morris’ Property (March, May, and September 2001) cont.

Water provided for animals (typical of condition in most cages)

Wolf and male lion
Pictures of Ms. Morris’ Property (March, May, and September 2001) cont.

Matted dog

Coyote
Pictures of Ms. Morris’ Property (March, May, and September 2001) cont.

Bear in cage

Tiger in cage with excrement
Pictures of Ms. Morris’ Property (March, May, and September 2001) cont.

Dog with water

Cougar in cage
Pictures of Ms. Morris’ property after she left (taken February 15, 2002)

Inside of Ms. Morris trailer- bedroom

Kitchen area of trailer
Pictures of Ms. Morris’ property after she left (taken February 15, 2002) cont.

Trailer- “bird room”

Trailer- living room
Example of Exotic Animal Auction Brochure

MID-OHIO
EXOTIC ANIMAL AND BIRD SALE
2 DAY SALE
April 5 & 6, 2002

Friday, April 5, 8:00 A.M.

Ring 1: 8:00 A.M. Exotic Caged Birds followed by Waterfowl • Peacocks • Reptiles • Monkeys • Cats • Lions • Bears • Muntjac • Kangaroos • Wallaby • Everything sells with cages • Swans • Warm Room sells at 12:00 P.M.

Ring 2: 9:30 A.M. Exotic Sheep and Goats
Domestic Animals sell at 9:00 A.M. in the tent

Saturday, April 6, 8:00 A.M.

Ring 1: 8:00 A.M. Pot Belly Pigs • Exotic Cattle • Buffalo • Camels • Zebras • Deer • Elk

Ring 2: 11:00 A.M. Llamas • Alpacas • Mini Horses • Mini Donkeys • Ostriches • Emus • Rheas

Exotic Mounts • Quilts • Rugs • Eggs • Cages • Etc.
will be sold during Auction.

Check with your vet. for health papers and coggins tests.
Call or write for sale flyer for terms and regulations.
Call: 330-674-6188 days • (330-893-2054 until 10:00 P.M. • Monroe Schlabach)
Write: Mid-Ohio Exotic Animal and Bird Sale
P.O. Box 82 • Mt. Hope, Ohio 44660
Owner: Steve Mullet

Location:
Example of Exotic Animal Auction Brochure cont.
On February 15th, Albert Hoover and I spoke about the 3 wolves left on the property that he recently purchased at Sheriff's auction. The land previously belonged to Judy Ann Harrison. On Friday, I told Albert Hoover that I could place the 3 wolves in a house, but that I just needed a couple days. He said okay. I told him that I would take care of feeding the animals until they were placed. He said okay and that it wouldn't be a problem. I was there the first time on Friday, February 15th, at 12:45 pm. Buddy (Albert) was working on the land and I didn't speak to him until 1:30 pm. He allowed me to go on the property and examine the condition of the wolves and how I would get the food into the cages. At approximately 5:15 pm, my brother, Andrew, and I went back to feed and water the wolves. One wolf was black, one was white, and one was a mixture of brown and black and a tiny bit of white. All wolves appeared to be in good condition except for the cages filled with excrement. On Saturday, the 16th of February, today, my father and I went back to feed the wolves at approximately 12:45 pm. We found that we were there until about 1:45-2:00 pm. We fed and watered each wolf a smaller amount than the day before. I spoke with Albert and told him that I was positive that the animals could be placed and the only issue was getting in touch with people because of the weekend. He said okay and nodded his head. I told him that I would be feeding...
Holmes County Sheriff's Office
Statement Form

Statement of: Stephanie Kocher
Address: __________________________   Date: __________________________
Phone #: __________________________

I received a call from the neighbor telling me that she heard the wolves were going to shoot the wolves tonight. I immediately had her try and contact Jose, the District Wildlife Officer. She contacted his wife who told her that he was helping in Ashland County and would notify him about getting the wolves out of there. Please note at the time of the first call to Jose's wife, we were unaware that there were plans to shoot the animals. When I found out about the plans to shoot the wolves I immediately called the Ohio Wildlife Center in Columbus, Ohio and left a message about the situation and said that it was an emergency and the animals needed to be taken out of there tonight. I had a return call from the Ohio Wildlife Center and was told that the woman working there was trying to contact the person that was in charge of going out in the field to get animals. She said that they had the facilities and could rescue them as soon as she contacted the field man. She said tonight would be possible, but a time wasn't guaranteed because she wasn't sure when she would contact the field guy. She also gave me the name of another person that could do the same. I called the other man and left a message. The woman at the Ohio Wildlife Center told me to call Albert and tell him not to shoot the wolves.

Witnessed by: __________________________  Signature: __________________________
because there was a place that would be picking them up tonight. I hung the phone up and immediately called Albert Hoover. I spoke with his girlfriend, Kyle, and told her that I heard a rumor that the wolves were going to be shot tonight. I told her to tell Albert that it was a federal offense and that I had facilities coming tonight to pick them up. She said okay, I told her I would be back in a little bit to feed the animals, but told her to tell Albert in case I didn't get there in time. At about 5:45 pm, on the 16th of February, my father and I went back to feed the wolves. At that time, the wolves were no longer in their cages and had already been shot. I asked Albert if I could speak with him. I told him that I had a home on the way to pick the animals up. I said that it was illegal for him to shoot the wolves. I said that he gave me until Sunday the 17th to place the animals and I was able to do that. He said that the problem is ever, they were going to bury them and that's the end of it. He claimed that everyone complained when Judy was there with the animals and that everyone waited them gone. He said, now they are gone. He said now you want to get me in trouble, I told him again that he couldn't kill an endangered species and that he was warned.
Copy of Police Report cont.

Holmes County Sheriff's Office
Statement Form

Statement of: Stephanie K切尔a
Address: __________________________
Phone #: __________________________
DOB: __________________________
Comp #: 03000739

by me and the Sheriff. He wouldn't tell me who shot the wolves. He turned and walked away saying that "now it's over and don't worry." I told him that it wasn't over because now we had to deal with the sheriff and that the whole situation would go to the law and the Dept of the Interior. My father and I started leaving and someone in the group of 7 or so guys started yelling "it was quick." After about 2 times I turned and yelled to them to "kiss my ass." As we were walking up the driveway, several of the men were howling and laughing.

On Friday, the 15th, when my brother and I fed the animals, they were calm and very hungry. We were able to open the doors on the cages and put buckets of water, straw, and food in the cages. The wolves appeared to be scared but not aggressive. They touched our hands with their noses.

I have pictures of the wolves from Feb 15th and their condition looked fine.

Witnessed by: __________________________
________________________________________________________________________
Signature: __________________________
On Friday the 15th of February, I spoke with Albert Hoover in the evening, telling him that I was waiting on a response from a man working with the American Sanctuary in Las Vegas. He said that he had housing or could find the housing for the wolves. Albert said that it would be okay then and that he could probably give an extra day, which would be until Sunday.

Witnessed by: [Redacted]

Signature: [Redacted]
SECTION 1803.01  DEFINITIONS

As used in this Regulation 1803, certain terms are defined as follows:

A. “Board” means the Board of Health of the Holmes County General Health District.

B. “Dangerous, wild animal” means those animals listed in section 1803.02 of this Regulation 1803.

C. “Grandfather possession permit” means a possession permit required under this Regulation 1803 to continue to possess a regulated dangerous, wild animal that a person possesses, or keeps at a specific location in the Health District on the effective date of this Regulation.

D. “Harborer” means any owner of real property in the Health District who permits another person to keep their dangerous wild animal(s) on the property.

E. “Health Commissioner” means the health commissioner of the Holmes County General Health District or his authorized representative.

F. “Health District” means the Holmes County General Health District established pursuant to Ohio Revised Code section 3709.01.

G. “Person” means the state, any political subdivision, public or private corporation, partnership, firm, association, individual or other entity.

H. “Possession permit” means a permit required under this Regulation 1803 to possess, or keep a dangerous, wild animal at a specific location in the Health District.

I. “USDA” means the United States Department of Agriculture.

SECTION 1803.02  DANGEROUS WILD ANIMALS
Holmes County Regulation 1803 cont.

This Regulation 1803 governs owning, keeping and harboring the following dangerous, wild animals in the Holmes County Health District:

a. Bears (*Ursus americanus, Ursus arctos, Ursus thibetanus*)
b. Cheetahs (*Acinonyx jubatus*)
c. Elephants (*Elephas, Loxodonts*)
d. Hyenas (*Hyaena hyaena, Hyaena brunnea, Crocuta crocuta*)
e. Jaguars (*Panthera onca*)
f. Leopards (*Felis bengalensis*)
g. Lions (*Panthera leo*), including hybrid progeny
h. Lynx (*Lynx Canadensis*)
i. Panther (*Panthera pardus*)
j. Puma, cougar, mountain lion (*Puma concolor*)
k. Primates (non-human)
l. Tigers (*Panthera tigris*), including hybrid progeny
m. Wild cats, ocelots, leopard cats (*Felis silvestris, Lynx rufus, Felis pardalis*)
n. Wolf (*Canis familiaris dingo*)
o. Wolf-dog hybrids (*Canis familiaris, Canus lupus*)
p. Alligators greater than 3 feet long
q. Crocodiles greater than 3 feet long
r. All venomous or poisonous reptiles
s. All constrictor snakes

SECTION 1803.03 REGISTRATION OF OWNERS/KEEPERS

1803.031 REGISTRATION OF OWNERS/KEEPERS OF DANGEROUS WILD ANIMALS

No person shall own, possess, keep, maintain or harbor any dangerous, wild animal in the Health District unless that person has first registered with the Board as an owner/keeper or harborer of a dangerous, wild animal. The registration may continue in effect for as long as the person owns, keeps or harbors dangerous, wild animals in the Health District and the registrant is in compliance with all provisions of this Regulation 1803.

1803.032 REQUIREMENTS FOR REGISTRATION

Prior to registration as an owner/keeper or harborer of a dangerous, wild animal, a person shall:

A. Complete an application for registration as an owner/keeper or harborer of a dangerous, wild animal on a form provided by the health commissioner.
B. Sign an acknowledgment that he is familiar with the requirements of this Regulation 1803 and that he will abide by the terms of this Regulation.

Holmes County Regulation 1803 cont.

C. Prove his ability to respond in damages in a single limit amount of $500,000.00 for bodily injury to or death of any person or for damage to property owned by any other person, which may result from the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the health commissioner a certificate of insurance from an insurance company authorized to do business in the State of Ohio stating that the applicant is, at the time of his application, and will be during the period of such registration, insured against liability to respond in such damages, or by posting with the health commissioner a surety bond conditioned on the payment of such damages during the period of the registration. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days written notice is first given to the health commissioner.

D. Pay the registration fee established by the Board.

1803.033 REVOCATION OF REGISTRATION

The Board, upon demonstration of persistent noncompliance with provisions of this Regulation 1803 or for other good cause, may revoke the registration of any person who owns, keeps or harbors dangerous, wild animals within the Health District. Upon revocation of a registration, all grandfather possession permits and all possession permits issued to a registrant for the owning or keeping of dangerous, wild animals on any real property in the health district shall expire and those animals shall be removed from the Health District within thirty days.

SECTION 1803.04 PERMIT REQUIRED TO KEEP DANGEROUS WILD ANIMALS

1803.041 POSSESSION PERMIT REQUIRED TO KEEP DANGEROUS WILD ANIMALS

A. A person who on the effective date of this Regulation 1803 owns or keeps a dangerous, wild animal regulated under section 1803.02 may keep and maintain that animal for the balance of the animal’s life if, within 90 days of the effective date of this Regulation that person obtains a grandfather possession permit. The holder of a grandfather possession permit for a dangerous wild animal shall not replace that animal unless a possession permit is obtained for the replacement animal.

B. Prior to any person owning, possessing, keeping or maintaining any dangerous, wild animal in the Health District after the effective date of this Regulation 1803, a possession permit shall be obtained from the health commissioner. A possession permit shall be issued for a specific dangerous
wild animal at a specific location within the health district. Such possession permit shall be renewed annually on or before the anniversary date of the original permit issuance. The possession permit shall be returned to the health commissioner upon transfer of ownership or the death of the dangerous, wild animal.

1803.042 CRITERIA FOR ISSUING A POSSESSION PERMIT

The health commissioner shall issue a possession permit for the keeping or maintenance of a dangerous, wild animal if he finds that:

A. The animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others.

B. Adequate safeguards are made to prevent unauthorized access to such animal by members of the public.

C. The health or well being of this animal is not in any way endangered by the manner of keeping or confinement.

D. The keeping of such animal does not constitute a nuisance and will not disturb the tranquility of the surrounding neighborhood.

E. The keeping of such animal will not create or cause offensive odors or constitute a danger to public health.

F. The dangerous, wild animal has been permanently identified by means of a tattoo, implanted microchip or other method approved by the health commissioner.

1803.043 HEALTH COMMISSIONER AUTHORIZED TO CONSULT

The health commissioner, in investigating any applicant for a possession permit under this section or in the enforcement of this section, is authorized to consult with and seek the advice of any individual, agency, organization or society which may be able to provide information and advice concerning the keeping of dangerous wild animals.

1803.044 POSSESSION PERMIT RENEWAL

The health commissioner shall renew such possession permit only on an inspection of the subject premises, not more than three months prior to the expiration of the permit and a finding that all criteria listed in section 1803.042 A-G are met. Should the health commissioner determine, during any such inspection, that any of the conditions therein specified are being violated, he shall refuse to renew such possession permit, or he shall
revoke such possession permit in the event that such violation is not corrected within such period of time as he directs. An inspection fee, as established by the Board of

**Holmes County Regulation 1803 cont.**

Health, shall be charged for each repeat inspection required to determine compliance with this Regulation 1803.

1803.045 SEPARATE POSSESSION PERMITS REQUIRED

A separate possession permit is required for the keeping of each dangerous, wild animal.

1803.046 EXCLUSIONS

The provisions of this section shall not apply to the keeping of dangerous, wild animals in the following cases:

A. The keeping of dangerous, wild animals in zoos or other exhibits licensed by the USDA.

B. The keeping of dangerous, wild animals for exhibition to the public of such animals by circus, carnival, or other exhibit or show.

C. The keeping of dangerous wild animals in a bona fide, licensed veterinary hospital for treatment.

D. The keeping and offering for sale of such animals by a bona fide commercial pet shop establishment or auction licensed or inspected by the USDA.

1803.047 PERMIT FEE

No grandfather possession permit, possession permit or renewal of a possession permit shall be issued for the keeping of a dangerous, wild animal unless all provisions of this regulation are complied with and a fee, established annually by the Board, is paid to the health commissioner. Possession permit fees shall be paid annually on or before the start of the permit year. A penalty of 25% of the permit fee shall be paid on each possession permit not renewed prior to the expiration of the permit.

**SECTION 1803.05 REPORTING ESCAPE OF DANGEROUS WILD ANIMALS**

The owner or keeper of any dangerous wild animal that escapes from his custody or control shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

A. The Sheriff of Holmes County and a law enforcement officer of any Village where the escape occurred.
B. The health commissioner

**Holmes County Regulation 1803 cont.**

If the office of the health commissioner is closed to the public at the time a report is required by this section 1803.05, then it is sufficient compliance with division B of this section if the owner or keeper makes the report within one hour after the office is next open to the public.

**SECTION 1803.06 STANDARDS FOR DANGEROUS, WILD ANIMAL ENCLOSURES**

A. The American Zoo and Aquarium Association’s (AZA) most recent version of “AZA’s Minimum Husbandry Guidelines for Mammals” shall be the standard for dangerous, wild animal enclosures within the Health District.

B. All dangerous, wild animal enclosures for mammals shall be surrounded by a perimeter barrier that is at least eight feet high with an inward-facing overhead. The top shall be protected by either electric cable or a 45-degree overhang. All perimeters shall have either a concrete footing or horizontal protective mat around the entire enclosure.

**SECTION 1803.07 STANDARDS FOR KEEPING DANGEROUS, WILD ANIMALS**

The American Zoo and Aquarium Association’s (AZA) most recent version of “AZA’s Minimum Husbandry Guidelines for Mammals” shall be the standard for the keeping and husbandry of dangerous, wild animals within the Health District.

**SECTION 1803.08 RIGHT OF ENTRY FOR INSPECTION AND REINSPECTION**

The health commissioner is authorized and directed to make inspections to determine compliance with this Regulation 1803 pursuant to procedures of inspection approved by the Board of Health and for such purpose the health commissioner is hereby authorized to enter upon and inspect any premise at any reasonable time. If any owner, occupant or other person in charge of a premise subject to the provisions of the Regulation 1803 fails or refuses to permit free access and entry to the property under his control or any part thereof, the health commissioner may apply to a judge of a court of record, pursuant to Ohio Revised Code 2933.21(F) for a warrant of search to conduct an inspection.

**SECTION 1803.09 FEES**

The Board shall establish by resolution, any fees deemed necessary to carry out the requirements of this Regulation 1803.
Holmes County Regulation 1803 cont.

SECTION 1803.10  ADMINISTRATIVE HEARING

The Board shall grant an administrative hearing to any person aggrieved by this Regulation 1803. Requests for a hearing shall be made in writing and shall be delivered to the health commissioner. The request for a hearing shall state the grievance and the remedy requested. The Board shall conduct a hearing on the grievance at the next regular meeting of the Board that occurs more than fifteen days after receipt of the grievance.

SECTION 1803.11  VARIANCE

The Board may grant a variance from the requirements of this Regulation 1803 when it will not be contrary to the public interest and where a person shows that because of practical difficulties or other special hardship. No variance shall be granted, however, that will defeat the spirit and general intent of this Regulation 1803 or otherwise be contrary to the public interest.

SECTION 1803.12  EFFECT OF PARTIAL INVALIDITY

Should any provision or part thereof of this Regulation 1803 be found unconstitutional, void or of no effect, the same shall not affect the legality and effect of the other provisions, or parts thereof, of this Regulation 1803.

SECTION 1803.13  EFFECTIVE DATE

This Regulation 1803 shall be effective immediately upon its adoption and shall replace any previous regulation governing privately owned dangerous wild animals adopted by the Board. Any person owning or keeping or intending to own or keep dangerous, wild animals as defined in this Regulation 1803 on and after the effective date of this Regulation 1803 shall be compliant with the provisions of this Regulation 1803.

SECTION 1803.13  PENALTIES

A. Any person who violates any provision of this Regulation 1803 or any order issued pursuant thereto, shall be in violation of Sections 3709.21 and 3707.48 of the Ohio Revised Code and shall be subject to the penalties provided by Sections 3707.48, 3707.53 and 3707.99 of the Ohio Revised Code.
B. Each and every day that a violation of any provision of this Regulation 1803 occurs shall constitute a separate offense.

Holmes County Regulation 1803 cont.

C. In addition, the Board of Health may seek a Court Order that the dangerous wild animal be transferred to an appropriate zoological or similar facility. If that is not practical, as an alternative, the Court may order the dangerous, wild animal humanely destroyed by a qualified veterinarian.

Adopted by the Board of Health of the Holmes County General Health District this 25th day of October, 2001.

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Dale Lahm Maurice Mullet, M.D.
President Health Commissioner/Secretary