

CITY COUNCIL

Committee Meeting

Doug Joseph, President
Caleb Skinner, Ward 1
Brett Luzader, Ward 2
Marshall Spalding, Ward 3
Mel Clemens, Ward 4
Barth Cotner, At-Large
Stacie A. Baker, At-Large
Kristin J. Bryant, At-Large

7232 East Main Street
Reynoldsburg, OH 43068
www.ci.reynoldsburg.oh.us

Mollie Prasher, Clerk of Council
614-322-6836

Kristin Bryant, Acting Committee
Chairman

Monday, December 16, 2019

Council Chambers

PUBLIC SAFETY, LAW AND COURTS COMMITTEE MEETING

1. CALL TO ORDER - ROLL CALL

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. Public Safety, Law and Courts Committee – Committee Meeting – December 9, 2019

4. LEGISLATION FOR SECOND READING

A. AN ORDINANCE TO AMEND CHAPTER 505 ANIMALS AND FOWL, SECTIONS 505.11 KILLING OR INJURING ANIMALS AND REPEAL SECTIONS 505.13 POISONING ANIMALS AND 505.15 CRUELTY TO ANIMALS OF THE CODE OF ORDINANCES FOR THE CITY OF REYNOLDSBURG, OHIO (FIRST READING 11/25/2019).

B. AN ORDINANCE TO AMEND CHAPTER 505 ANIMALS AND FOWL, SECTION 505.01 DEFINITIONS OF THE CODE OF ORDINANCES FOR THE CITY OF REYNOLDSBURG, OHIO (FIRST READING 11/25/2019).

C. AN ORDINANCE TO AMEND CHAPTER 505 ANIMALS AND FOWL, SECTION 505.37 DANGEROUS DOGS AND OTHER ANIMALS AND TO ADD SECTION 505.13 TETHERING ANIMALS TO THE CODE OF ORDINANCES FOR THE CITY OF REYNOLDSBURG, OHIO (FIRST READING 11/25/2019).

**MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
December 9, 2019**

Acting Chair Cotner called the meeting to order at 7:46 PM

Call to Order - Roll Call

PRESENT: Baker, Skinner, Luzader, Spalding, Cotner

ABSENT: Clemens, Bryant

Approval of Agenda

This Committee will function as a Committee of the Whole as Acting Chair Bryant and Councilmember Clemens are both absent. Councilmember Cotner will serve as Acting Chair.

The agenda was amended to hold over items 4 a, b, and c until the December 16, 2019.

Councilmember Luzader: If you would read through your packets regarding this legislation and specifically changes to Section 505.11, there are few things that need to be cleaned up. The changes that were suggested in one part were made, but a couple other sections include the old language. I spoke with Councilmember Bryant and she will make those changes for next week.

Councilmember Cotner: We want to make sure that we get all the details cleaned up, so we do not want to push things through.

Councilmember Cotner moved to remove items 4 a, b, and c from the agenda. Second by Councilmember Spalding. Motion passed.

Approval of Minutes

- a. Public Safety, Law and Courts Committee – Committee Meeting – November 25, 2019

The minutes were approved as submitted.

RESULT: ACCEPTED

LEGISLATION FOR SECOND READING

AN ORDINANCE TO AMEND CHAPTER 505 ANIMALS AND FOWL, SECTIONS 505.11 KILLING OR INJURING ANIMALS AND REPEAL SECTIONS 505.13 POISONING ANIMALS AND 505.15 CRUELTY TO ANIMALS OF THE CODE OF ORDINANCES FOR THE CITY OF REYNOLDSBURG, OHIO --- Bryant. Public Safety, Law and Courts Committee.

Minutes Acceptance: Minutes of Dec 9, 2019 7:31 PM (Approval of Minutes)

Clerk of Council
Mollie Prasher
7232 East Main Street
Reynoldsburg OH 43068
614-322-6836 Phone

ORDINANCE REQUEST

DATE: **December 16, 2019**

TO: **Public Safety, Law and Courts Committee**

RE: **Phase 3 Animals & Fowl Cruelty to Animals**

Approval:

Completed Brad McCloud	Skipped Jed Hood	Stephen Cicak
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This legislation is the third phase of the update to the Animals & Fowl, Chapter 505, in the City of Reynoldsburg Code of Ordinances. This legislation addresses language regarding cruelty to animals.

AN ORDINANCE TO AMEND CHAPTER 505 ANIMALS AND FOWL, SECTION 505.11 KILLING OR INJURING ANIMALS AND REPEAL SECTIONS 505.13 POISONING ANIMALS AND 505.15 CRUELTY TO ANIMALS OF THE CODE OF ORDINANCES FOR THE CITY OF REYNOLDSBURG, OHIO

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 505 ANIMALS AND FOWL, Section 505.11 Killing or Injuring Animals be amended in the Code of Ordinances for the City of Reynoldsburg be and is hereby attached as Exhibit A.

SECTION 2. That Chapter 505 ANIMALS AND FOWL, Sections 505.13 Poisoning Animals and 505.15 Cruelty to Animals are hereby repealed as attached as Exhibit A.

SECTION 3. That upon adoption by Council, this ordinance shall be in effect thirty days

Clerk of Council
Mollie Prasher
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following the signature by the Mayor.

PHASE 3 – AMENDMENTS TO ANIMALS & FOWL ORDINANCE

505.11 KILLING, INJURING, POISONING OR CRUELTY TO ANIMALS.

(a) No person shall maliciously, or willfully ~~and without the consent of the owner,~~ kill or injure a dog, cat, or any other domestic animal, **unless such act is to protect the public or themselves from serious injury.** ~~that is the property of another.~~ This section does not apply to a licensed veterinarian acting in an official capacity, a police officer, **game warden, park ranger,** or animal control officer protecting the public or themselves from serious injury ~~from a dangerous animal.~~

(ORC 959.02)

(b) Whoever violates this section is guilty of a misdemeanor of the ~~second~~ **first** degree. ~~If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, whoever violates division (a) of this section is guilty of a misdemeanor of the first degree.~~

(c) No person shall maliciously, or willfully and without the consent of the owner, administer poison, to a dog, cat, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animal, either upon his or her own lands or the lands of another. This section does not apply to a licensed veterinarian, game warden, park ranger, or animal control officer in the performance of their official duties.

(d) Whoever violates section 505.11(c) is guilty of a misdemeanor of the second degree.

(e) 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 the confinement with a sufficient quantity of good wholesome food and water;

(2) Commit an act of cruelty against an animal.

(3) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, heat, cold or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. For the purpose of this section, “shelter” means an artificially made enclosure, windbreak;

(4) Carry or convey an animal in a cruel or inhumane manner;

(f) Whoever violates section 505.11(e) is guilty of a misdemeanor of the first degree.

(ORC 959.99(B)) (Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)

(ORC 959.03)

(ORC 959.99(E))

505.13 POISONING ANIMALS.

~~(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, to a dog, cat, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animal, either upon his or her own lands or the lands of another. This section does not apply to a licensed veterinarian, game warden, park ranger, or animal control officer in the performance of their official duties.~~

~~(ORC 959.03)~~

~~(b) Whoever violates this section is guilty of a misdemeanor of the second degree.~~

~~(ORC 959.99(C)) (Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)~~

505.15 CRUELTY TO ANIMALS; CRUELTY TO COMPANION 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 the confinement with a sufficient quantity of good wholesome food and water;~~

~~(2) Commit an act of cruelty against an animal.~~

~~(2) (3) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, heat, cold or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This division does not apply to animals impounded or confined prior to~~

slaughter. For the purpose of this section, “shelter” means an manmade enclosure, windbreak;

—(3) ~~(4)~~ Carry or convey an animal in a cruel or inhumane 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 feed cows on food that produces impure or unwholesome milk;

—(5) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the 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 the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. This section does not prevent the dehorning of cattle.

—(c) All fines collected for violations of division (a) of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the general fund.

~~(a) Whoever violates this section is guilty of a misdemeanor of the first degree.~~

~~(ORC 959.13) (Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)~~

—(d) Cruelty to companion animals.

—(1) As used in this section:

—A. “Boarding kennel” has the same meaning as in Ohio R.C. 956.01.

—B. “Captive white-tailed deer” has the same meaning as in Ohio R.C. 1531.01.

—C. “Companion animal” means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. “Companion animal” does not include livestock or any wild animal.

—D. “Cruelty,” “torment,” and “torture” have the same meanings as in Ohio R.C. 1717.01.

—E. “Dog kennel” means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel, or a training kennel.

—F. “Federal Animal Welfare Act” means the “Laboratory Animal Act of 1966,” Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. 2131 et seq., as amended by the

~~“Animal Welfare Act of 1970,” Pub. L. No. 91-579, 84 Stat. 1560 (1970), the “Animal Welfare Act Amendments of 1976,” Pub. L. No. 94-279, 90 Stat. 417 (1976), and the “Food Security Act of 1985,” Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.~~

~~— G. “Livestock.” Means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.~~

~~— H. “Practice of veterinary medicine” has the same meaning as in Ohio R.C. 4741.01.~~

~~— I. “Residential dwelling” means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.~~

~~— J. “Serious physical harm.” Means any of the following:~~

~~— 1. Physical harm that carries an unnecessary or unjustifiable substantial risk of death;~~

~~— 2. Physical harm that involves either partial or total permanent incapacity;~~

~~— 3. Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;~~

~~— 4. Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.~~

~~— K. “Training kennel” means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.~~

~~— L. “Wild animal” has the same meaning as in Ohio R.C. 1531.01.~~

~~— (2) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.~~

~~— (3) No person shall knowingly cause serious physical harm to a companion animal.~~

~~— (4) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:~~

~~— A. Torture, torment, or commit an act of cruelty against the companion animal;~~

~~— B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the~~

companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

~~— C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.~~

~~— (5) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly do any of the following:~~

~~A. Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;~~

~~— B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement;~~

~~— C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.~~

~~— (6) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:~~

~~— A. Torture, torment, or commit an act of cruelty against the companion animal;~~

~~— B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;~~

~~— C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.~~

~~— (7) Divisions (d)(2), (d)(3), (d)(4), (d)(5), and (d)(6) of this section do not apply to any of the following:~~

~~— A. A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;~~

~~— B. The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;~~

~~— C. Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;~~

~~D. The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;~~

~~— E. The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.~~

~~(8) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this division (d) to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys either to provide the training that is required for humane agents under Ohio R.C. 1717.06 or to provide additional training for humane agents.~~

~~(ORC 959.131)~~

~~(e) Whoever violates division (a) of this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.~~

~~(ORC 959.99(D)) (Ord. 76-96. Passed 6-10-96.)~~

~~— (f) (1) Whoever violates division (d)(2) of this section is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate State law on each subsequent offense.~~

~~—(2) Whoever violates division (d)(3) of this section is guilty of a felony to be prosecuted under appropriate state law.~~

~~—(3) Whoever violates division (d)(4) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.~~

~~—(4) Whoever violates division (d)(5) of this section is guilty of a felony to be prosecuted under appropriate state law.~~

~~(5) Whoever violates division (d)(6) of this section is guilty of a misdemeanor of the first degree.~~

~~—(6) A. A court may order a person who is convicted of or pleads guilty to a violation of division (d) of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.~~

~~— B. A court may order a person who is convicted of or pleads guilty to a violation of division (d) of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.~~

~~—(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of division (d) of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.~~

~~(ORC 959.99(E))~~

PHASE 3 – AMENDMENTS TO ANIMALS & FOWL ORDINANCE

505.11 KILLING, INJURING, POISONING OR CRUELTY TO ANIMALS.

(a) No person shall maliciously, or willfully ~~and without the consent of the owner,~~ kill or injure a dog, cat, or any other domestic animal. ~~that is the property of another.~~ This section does not apply to a licensed veterinarian acting in an official capacity, a police officer, **game warden, park ranger,** or animal control officer protecting the public or themselves from serious injury from a dangerous animal.

(ORC 959.02)

(b) Whoever violates this section is guilty of a misdemeanor of the ~~second~~ **first** degree. ~~If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, whoever violates division (a) of this section is guilty of a misdemeanor of the first degree.~~

(c) ~~No person shall maliciously, or willfully and without the consent of the owner, administer poison, to a dog, cat, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animal, either upon his or her own lands or the lands of another. This section does not apply to a licensed veterinarian, game warden, park ranger, or animal control officer in the performance of their official duties.~~

(d) ~~Whoever violates section 505.11(c) is guilty of a misdemeanor of the second degree.~~

(e) 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 the confinement with a sufficient quantity of good wholesome food and water;~~

(2) ~~Commit an act of cruelty against an animal.~~

(3) ~~Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, heat, cold or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. For the purpose of this section, “shelter” means an artificially made enclosure, windbreak;~~

(4) ~~Carry or convey an animal in a cruel or inhumane manner;~~

(f) ~~Whoever violates section 505.11(e) is guilty of a misdemeanor of the first degree.~~

(ORC 959.99(B)) (Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)

(ORC 959.03)

(ORC 959.99(E))

~~505.13 POISONING ANIMALS.~~

~~(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, to a dog, cat, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animal, either upon his or her own lands or the lands of another. This section does not apply to a licensed veterinarian, game warden, park ranger, or animal control officer in the performance of their official duties.~~

~~(ORC 959.03)~~

~~—(b) Whoever violates this section is guilty of a misdemeanor of the second degree.~~

~~(ORC 959.99(C)) (Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)~~

~~505.15 CRUELTY TO ANIMALS; CRUELTY TO COMPANION 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 the confinement with a sufficient quantity of good wholesome food and water;~~

~~—(2) Commit an act of cruelty against an animal.~~

~~—(2) (3) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, heat, cold or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This division does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, “shelter” means an manmade enclosure, windbreak;~~

~~—(3) (4) Carry or convey an animal in a cruel or inhumane 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 feed cows on food that produces impure or unwholesome milk;~~

~~—(5) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the 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 the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. This section does not prevent the dehorning of cattle.~~

~~—(c) All fines collected for violations of division (a) of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the general fund.~~

~~(a) Whoever violates this section is guilty of a misdemeanor of the first degree.~~

~~(ORC 959.13) (Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)~~

~~—(d) Cruelty to companion animals.~~

~~—(1) As used in this section:~~

~~—A. “Boarding kennel” has the same meaning as in Ohio R.C. 956.01.~~

~~—B. “Captive white-tailed deer” has the same meaning as in Ohio R.C. 1531.01.~~

~~—C. “Companion animal” means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. “Companion animal” does not include livestock or any wild animal.~~

~~— D. “Cruelty,” “torment,” and “torture” have the same meanings as in Ohio R.C. 1717.01.~~

~~— E. “Dog kennel” means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel, or a training kennel.~~

~~— F. “Federal Animal Welfare Act” means the “Laboratory Animal Act of 1966,” Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. 2131 et seq., as amended by the “Animal Welfare Act of 1970,” Pub. L. No. 91-579, 84 Stat. 1560 (1970), the “Animal Welfare Act Amendments of 1976,” Pub. L. No. 94-279, 90 Stat. 417 (1976), and the “Food Security Act of 1985,” Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.~~

~~— G. “Livestock.” Means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.~~

~~— H. “Practice of veterinary medicine” has the same meaning as in Ohio R.C. 4741.01.~~

~~— I. “Residential dwelling” means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.~~

~~— J. “Serious physical harm.” Means any of the following:~~

~~— 1. Physical harm that carries an unnecessary or unjustifiable substantial risk of death;~~

~~— 2. Physical harm that involves either partial or total permanent incapacity;~~

~~— 3. Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;~~

~~— 4. Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.~~

~~— K. “Training kennel” means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.~~

~~— L. “Wild animal” has the same meaning as in Ohio R.C. 1531.01.~~

~~— (2) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.~~

~~— (3) No person shall knowingly cause serious physical harm to a companion animal.~~

~~— (4) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:~~

~~— A. Torture, torment, or commit an act of cruelty against the companion animal;~~

~~— B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;~~

~~— C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.~~

~~— (5) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly do any of the following:~~

~~A. Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;~~

~~— B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement;~~

~~— C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.~~

~~— (6) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:~~

~~— A. Torture, torment, or commit an act of cruelty against the companion animal;~~

~~— B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;~~

~~— C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.~~

~~— (7) Divisions (d)(2), (d)(3), (d)(4), (d)(5), and (d)(6) of this section do not apply to any of the following:~~

~~— A. A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;~~

~~— B. The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;~~

~~— C. Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;~~

~~— D. The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;~~

~~— E. The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.~~

~~— (8) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this division (d) to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys either to provide the training that is required for humane agents under Ohio R.C. 1717.06 or to provide additional training for humane agents.~~

~~(ORC 959.131)~~

~~(e) Whoever violates division (a) of this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred~~

with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

~~(ORC 959.99(D)) (Ord. 76-96. Passed 6-10-96.)~~

~~—(f) (1) Whoever violates division (d)(2) of this section is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate State law on each subsequent offense.~~

~~—(2) Whoever violates division (d)(3) of this section is guilty of a felony to be prosecuted under appropriate state law.~~

~~—(3) Whoever violates division (d)(4) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.~~

~~—(4) Whoever violates division (d)(5) of this section is guilty of a felony to be prosecuted under appropriate state law.~~

~~(5) Whoever violates division (d)(6) of this section is guilty of a misdemeanor of the first degree.~~

~~—(6) A. A court may order a person who is convicted of or pleads guilty to a violation of division (d) of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.~~

~~—B. A court may order a person who is convicted of or pleads guilty to a violation of division (d) of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.~~

~~—(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of division (d) of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.~~

~~(ORC 959.99(E))~~

PHASE 3 – AMENDMENTS TO ANIMALS & FOWL ORDINANCE

505.11 KILLING, INJURING, POISONING OR CRUELTY TO ANIMALS.

(a) No person shall maliciously, or willfully ~~and without the consent of the owner,~~ kill or injure a dog, cat, or any other domestic animal, **unless such act is to protect the public or themselves from serious injury.** ~~that is the property of another.~~ This section does not apply to a licensed veterinarian acting in an official capacity, a police officer, **game warden, park ranger,** or animal control officer protecting the public or themselves from serious injury ~~from a dangerous animal.~~

(ORC 959.02)

(b) Whoever violates this section is guilty of a misdemeanor of the ~~second~~ **first** degree. ~~If the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, whoever violates division (a) of this section is guilty of a misdemeanor of the first degree.~~

(c) No person shall maliciously, or willfully and without the consent of the owner, administer poison, to a dog, cat, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animal, either upon his or her own lands or the lands of another. This section does not apply to a licensed veterinarian, game warden, park ranger, or animal control officer in the performance of their official duties.

(d) Whoever violates section 505.11(c) is guilty of a misdemeanor of the second degree.

(e) 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 the confinement with a sufficient quantity of good wholesome food and water;

(2) Commit an act of cruelty against an animal.

(3) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, heat, cold or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. For the purpose of this section, “shelter” means an artificially made enclosure, windbreak;

(4) Carry or convey an animal in a cruel or inhumane manner;

(f) Whoever violates section 505.11(e) is guilty of a misdemeanor of the first degree.

(ORC 959.99(B)) (Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)

(ORC 959.03)

(ORC 959.99(E))

505.13 POISONING ANIMALS.

~~(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, to a dog, cat, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisoned food where it may be easily found and eaten by any such animal, either upon his or her own lands or the lands of another. This section does not apply to a licensed veterinarian, game warden, park ranger, or animal control officer in the performance of their official duties.~~

~~(ORC 959.03)~~

~~(b) Whoever violates this section is guilty of a misdemeanor of the second degree.~~

~~(ORC 959.99(C)) (Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)~~

505.15 CRUELTY TO ANIMALS; CRUELTY TO COMPANION 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 the confinement with a sufficient quantity of good wholesome food and water;~~

~~(2) Commit an act of cruelty against an animal.~~

~~(2) (3) Impound or confine an animal without affording it, during the confinement, access to shelter from wind, rain, snow, heat, cold or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This division does not apply to animals impounded or confined prior to~~

slaughter. For the purpose of this section, “shelter” means an manmade enclosure, windbreak;

—(3) ~~(4)~~ Carry or convey an animal in a cruel or inhumane 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 feed cows on food that produces impure or unwholesome milk;

—(5) Detain livestock in railroad cars or compartments longer than 28 hours after they are so placed without supplying them with necessary food, water, and attention, nor permit the 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 the livestock may be detained in any cars or compartment without food, water, and attention may be extended to 36 hours without penalty therefor. This section does not prevent the dehorning of cattle.

—(c) All fines collected for violations of division (a) of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the municipality; otherwise, all fines shall be paid to the general fund.

~~(a) Whoever violates this section is guilty of a misdemeanor of the first degree.~~

~~(ORC 959.13) (Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03.)~~

—(d) Cruelty to companion animals.

—(1) As used in this section:

—A. “Boarding kennel” has the same meaning as in Ohio R.C. 956.01.

—B. “Captive white-tailed deer” has the same meaning as in Ohio R.C. 1531.01.

—C. “Companion animal” means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept, including a pet store as defined in Ohio R.C. 956.01. “Companion animal” does not include livestock or any wild animal.

—D. “Cruelty,” “torment,” and “torture” have the same meanings as in Ohio R.C. 1717.01.

—E. “Dog kennel” means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel, or a training kennel.

—F. “Federal Animal Welfare Act” means the “Laboratory Animal Act of 1966,” Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C. 2131 et seq., as amended by the

~~“Animal Welfare Act of 1970,” Pub. L. No. 91-579, 84 Stat. 1560 (1970), the “Animal Welfare Act Amendments of 1976,” Pub. L. No. 94-279, 90 Stat. 417 (1976), and the “Food Security Act of 1985,” Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.~~

~~— G. “Livestock.” Means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.~~

~~— H. “Practice of veterinary medicine” has the same meaning as in Ohio R.C. 4741.01.~~

~~— I. “Residential dwelling” means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.~~

~~— J. “Serious physical harm.” Means any of the following:~~

~~— 1. Physical harm that carries an unnecessary or unjustifiable substantial risk of death;~~

~~— 2. Physical harm that involves either partial or total permanent incapacity;~~

~~— 3. Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain;~~

~~— 4. Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.~~

~~— K. “Training kennel” means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.~~

~~— L. “Wild animal” has the same meaning as in Ohio R.C. 1531.01.~~

~~— (2) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.~~

~~— (3) No person shall knowingly cause serious physical harm to a companion animal.~~

~~— (4) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:~~

~~— A. Torture, torment, or commit an act of cruelty against the companion animal;~~

~~— B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the~~

companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;

~~— C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.~~

~~— (5) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall knowingly do any of the following:~~

~~A. Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;~~

~~— B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of the deprivation or confinement;~~

~~— C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it is reasonably expected that the companion animal would die or experience unnecessary or unjustifiable pain or suffering as a result of or due to the lack of adequate shelter.~~

~~— (6) No owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal shall negligently do any of the following:~~

~~— A. Torture, torment, or commit an act of cruelty against the companion animal;~~

~~— B. Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;~~

~~— C. Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the lack of adequate shelter.~~

~~— (7) Divisions (d)(2), (d)(3), (d)(4), (d)(5), and (d)(6) of this section do not apply to any of the following:~~

~~— A. A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;~~

~~— B. The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;~~

~~— C. Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;~~

~~D. The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;~~

~~— E. The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.~~

~~(8) Notwithstanding any section of the Ohio Revised Code that otherwise provides for the distribution of fine moneys, the Clerk of Court shall forward all fines the Clerk collects that are so imposed for any violation of this division (d) to the Treasurer of the municipality, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The Treasurer shall pay the fine moneys to the county humane society or the county, township, municipal corporation, or state law enforcement agency in this state that primarily was responsible for or involved in the investigation and prosecution of the violation. If a county humane society receives any fine moneys under this division, the county humane society shall use the fine moneys either to provide the training that is required for humane agents under Ohio R.C. 1717.06 or to provide additional training for humane agents.~~

~~(ORC 959.131)~~

~~(e) Whoever violates division (a) of this section is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.~~

~~(ORC 959.99(D)) (Ord. 76-96. Passed 6-10-96.)~~

~~—(f) (1) Whoever violates division (d)(2) of this section is guilty of a misdemeanor of the first degree on a first offense and a felony to be prosecuted under appropriate State law on each subsequent offense.~~

~~—(2) Whoever violates division (d)(3) of this section is guilty of a felony to be prosecuted under appropriate state law.~~

~~—(3) Whoever violates division (d)(4) of this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.~~

~~—(4) Whoever violates division (d)(5) of this section is guilty of a felony to be prosecuted under appropriate state law.~~

~~(5) Whoever violates division (d)(6) of this section is guilty of a misdemeanor of the first degree.~~

~~—(6) A. A court may order a person who is convicted of or pleads guilty to a violation of division (d) of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.~~

~~— B. A court may order a person who is convicted of or pleads guilty to a violation of division (d) of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.~~

~~—(7) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of division (d) of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling.~~

~~(ORC 959.99(E))~~

Clerk of Council
Mollie Prasher
7232 East Main Street
Reynoldsburg OH 43068
614-322-6836 Phone

ORDINANCE REQUEST

DATE: **December 16, 2019**

TO: **Public Safety, Law and Courts Committee**

RE: **Animals & Fowl Chapter Amendment Phase 5 Definitions**

Approval:

Skipped Brad McCloud	Skipped Jed Hood	Stephen Cicak
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This legislation is the fifth amendment to the Animals & Fowl Chapter 505, Section 505.01 Definitions

AN ORDINANCE TO AMEND CHAPTER 505 ANIMALS AND FOWL, SECTION 505.01 DEFINITIONS OF THE CODE OF ORDINANCES FOR THE CITY OF REYNOLDSBURG, OHIO

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 505 ANIMALS AND FOWL, Section 505.01 Definitions be amended in the Code of Ordinances for the City of Reynoldsburg be and is hereby attached as Exhibit A.

SECTION 2. That upon adoption by Council, this ordinance shall be in effect thirty days following the signature by the Mayor.

505.01 DEFINITIONS.

As used in this chapter certain words are defined as follows, unless the context otherwise requires:

- (a) "Animal" means any live, vertebrate creature, domestic or wild.
- (b) "Dangerous dog ~~or other dangerous animal~~" means a dog **that, without provocation, and subject to division (b)(4) of this Section, has done any** ~~or other animal that meets any of the~~ following:
1. ~~A dog or other animal, that without provocation and subject to subsection (m)(2) below, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, or causes physical harm to property as defined by section 501.01(n) or serious physical harm to property as defined by section 501.01(z), while that dog or other animal is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or some other reasonable person, or not physically restrained or confined in a locked pen which has a top or other locked enclosure which has a top.~~ **Caused injury, other than killing or serious injury, to any person;**
 2. ~~A dog or other animal that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical harm or death to one or more persons, domestic animals or farm animals.~~ **Killed another dog;**
 3. **"Dangerous Dog" does not include either of the following: Been the subject of a third or subsequent violation of Section 505.03.**
 - A. ~~A police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempter to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.~~
 - B. ~~A dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.~~
 4. **"Dangerous Dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.**
- (c) "Domesticated" means any animal which is accepted by the general public as tameable and bred as a tamed animal for the purposes of man. These include, but are not limited to, dogs, house cats, gerbils, and guinea pigs.

(d) ~~"Exotic Animal" means any animal which is foreign and generally not native by birth to the local community.~~ shall have the same meaning as "dangerous wild animal" as defined in Chapter 935 of the Ohio Revised Code.

(e) ~~"Farm animal" means, but is not limited to, cattle, sheep, goats, poultry or fowl, swine, horses, or mules.~~

~~(f)~~(e) "Hybrid" means the cross breeding of two or more species of animals that would not normally be bred together, including but not limited to, wolf-dog, coyote-dog, ocelot-house cat.

(g) ~~"Menacing fashion" means that a dog or other animal would cause any person being chased or approached to reasonably believe that the dog or other animal will cause physical injury to that person.~~

(h)(f) "Own, keep or harbor" means to have legal title, ~~to~~ or custody or control over any dangerous animal. ~~or wild animal in the city, except as otherwise provided in Section 505.33.~~

~~(i)~~(g) "Owner" means any person, firm, association, or corporation owning or having a proprietary interest in ~~or possession, custody, or charge of a work~~ an animal.

(j)(h) "Person" means any natural person, association, partnership, organization, or corporation.

(k)(i) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(l)(j) "Serious **injury physical harm**" means serious ~~physical harm as defined in section 501.01(y) and section 501.01(z).~~ **any of the following:**

- (1) Any physical harm that carries a substantial risk of death;
- (2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;
- (3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;
- (4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

(m) ~~"Vicious dog or other vicious animal" means a dog or other animal meets any of the following:~~

1. ~~Without provocation, has killed or caused serious injury to any person;~~
2. ~~Without provocation, has caused injury, other than killing or serious injury, to any person, or has killed another dog or other animal;~~
- 3. ~~A dog or animal that has been trained for dog/animal fighting, or bred, or abused, or is kept primarily or in part for the purpose of dog/animal fighting.~~
- 4. ~~Any dog or animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.~~

(k) **“Vicious dog” means a dog that, without provocation and subject to division (m)(1) of this section, has killed or caused serious injury to any person.**

1. "Vicious dog" does not include either of the following:

A. A police dog that has killed or caused serious injury to any person ~~or that has caused injury, other than killing or serious injury, to any person~~ while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

B. A dog that has killed or caused serious injury to any person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

~~(n)~~(l) "Wild Animal" means any non-domesticated animal which generally lives in its original natural state, and is not normally domesticated, and/or falls under the jurisdiction of the Ohio Department of Natural Resources.

~~(o)~~(m) "Without provocation" means that a dog or other animal was not teased, tormented or abused by a person, or that the dog or other animal was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog or other animal as a means of carrying out such activity.

(Ord. 76-96. Passed 6-10-96; Ord. 77-01. Passed 6-25-01; Ord. 72-03. Passed 9-8-03; Ord. 25-18. Passed 2-26-18.)

Clerk of Council
Mollie Prasher
7232 East Main Street
Reynoldsburg OH 43068
614-322-6836 Phone

ORDINANCE REQUEST

DATE: **December 16, 2019**

TO: **Public Safety, Law and Courts Committee**

RE: **Animals & Fowl Amendment Phase 6 Tethering and Dangerous Dogs**

Approval:

Skipped Brad McCloud	Skipped Jed Hood	Stephen Cicak
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This legislation is the sixth amendment to the Animals & Fowl Chapter 505 discussing tethering animals and Dangerous Dogs and Animals.

AN ORDINANCE TO AMEND CHAPTER 505 ANIMALS AND FOWL, SECTION 505.37 DANGEROUS DOGS AND OTHER ANIMALS AND TO ADD SECTION 505.13 TETHERING ANIMALS TO THE CODE OF ORDINANCES FOR THE CITY OF REYNOLDSBURG, OHIO

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 505 ANIMALS AND FOWL, Section 505.37 Dangerous Dogs and other Animals be amended in the Code of Ordinances for the City of Reynoldsburg be and is hereby attached as Exhibit A.

SECTION 2. That Section 505.13 Tethering Animals be added to Chapter 505 ANIMALS AND FOWL of the Code of Ordinances for the City of Reynoldsburg.

SECTION 3. That upon adoption by Council, this ordinance shall be in effect thirty days following the signature by the Mayor.

505.13 TETHERING ANIMALS.

(a) No person shall tether an animal in any of the following circumstances:

(1) For more than six (6) hours total in a twenty-four (24) hour period and not more than two (2) unsupervised consecutive hours with no less than a one (1) hour period between tetherings;

(2) Between the hours of 11:00 p.m. and 6:00 a.m. other than short, not to exceed 15 minutes, periods for the animal to relieve itself;

(3) When a heat or cold advisory has been issued by a local or state authority or the National Weather Service;

(4) When a severe weather warning has been issued by a local or state authority or the National Weather Service;

(5) When the tether is less than twenty (20) feet in length;

(6) When the tether allows the animal to come within fifteen (15) feet of a sidewalk or property line;

(7) When the tether is attached by means of a pinch-type, prong-type, of choke-type collar or if the collar is unsafe or is not properly fitted;

(8) When the tether may cause injury or entanglement;

(9) When the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;

(10) When no owner or occupant is present at the premises;

(b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(c) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

505.37 DANGEROUS DOGS AND OTHER ANIMALS; PERMIT REQUIRED; FEE; IMPOUNDING.

(a) In addition to registration of a dog as required by Section 505.07 and Ohio R.C. Sections 955.03 and 955.09, the owner, keeper or harbinger of a dangerous dog ~~or other~~

~~dangerous animal~~ as defined in 505.01(b) shall pay a permit fee to own, keep or harbor a dangerous dog to the City of Reynoldsburg and obtain the permit from the Chief of Police at a cost **set in the City's fee schedule** of ~~thirty dollars (\$30.00)~~ for such permit in addition to the payment of any fee for registration of the dog as required by the Ohio Revised Code and these Codified Ordinances.

(1) The owner, keeper, or harbinger of such dangerous dog ~~or dangerous animal~~ shall pay for the permit at the Reynoldsburg City Auditor's Office and receive a receipt. The receipt shall be presented to the Chief of Police in order to obtain a permit.

(b) (1) The permit to own, keep or harbor a dangerous dog ~~or dangerous animal~~ shall be valid only during the calendar year in which the permit is issued, and during the first twenty days of the following calendar year.

(2) The permit fee for any dangerous dog ~~or other dangerous animal~~ is **set in the City's fee schedule** ~~thirty dollars (\$30.00)~~ if purchased prior to July 1st of any calendar year. If the permit is purchased on or after July 1st of any calendar year, the permit fee is **half the rate set in the City's fee schedule** ~~fifteen dollars (\$15.00)~~.

(c) No owner, keeper or harbinger of a dangerous dog ~~or other dangerous animal~~, as defined in section 505.01(b), shall fail to publicly display a sign on the premises where the dangerous dog ~~or other dangerous animal~~ is kept or harbored that notifies the public of the presence of a dangerous dog ~~or other dangerous animal~~ on the property of the owner, keeper or harbinger. The owner, keeper or harbinger of the dog shall provide such sign which shall contain, in lettering that is at least two inches in height, the statement "caution, beware of dangerous dog ~~or other dangerous animal~~" or other statement that provides reasonable notice of the presence of a dangerous dog ~~or other dangerous animal~~ on the premises.

(d) No person shall own, keep, or harbor any dangerous dog ~~or other dangerous animal~~, as defined in section 505.01 (b) without registering and obtaining a permit as required in divisions (a) and (b) of this section for such dangerous dog ~~or other dangerous animal~~.

(e) **Any owner, keeper or harbinger of any dangerous dog as defined in division 505.01(b), shall provide satisfactory evidence of the fact that the dangerous dog has been neutered or spayed.** ~~Whoever violates division (c) or (d) of this section is guilty of a misdemeanor of the third degree and the animal control officer shall seize and impound the dangerous dog or other dangerous animal in the municipality that is not properly confined or restrained, pursuant to Ohio R.C. 955.22(A) to (D), until such time as the owner, keeper or harbinger of the dangerous dog or other dangerous animal demonstrates compliance with Ohio R.C. 955.22(A) to (D). If the owner does not comply with the provisions of Ohio R.C. 955.22(A) to (D) within three (3) days of such seizure, then the dangerous dog or other dangerous animal shall be humanely destroyed.~~

(f) ~~Any~~ ~~No~~ owner, keeper, or harbinger of a dangerous dog ~~or other dangerous animal,~~ as defined in division 505.01(b), shall **provide satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.** ~~refuse to permit the routine inspection of such dangerous dog or other dangerous animal on the premises of the same by the animal control officer, police officer, or other person authorized by the mayor or police chief, county board of health or an employee or agent thereof, to insure compliance with the divisions contained herein or any provision of the Ohio revised code, nor conceal such dangerous dog or other dangerous animal from the animal control officer, police officer or other person authorized by the mayor or police chief, or county board of health, or an employee or agent thereof, attempting to accomplish such inspection.~~

(g) ~~No owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in division 505.01(b) shall fail to report to the city animal control officer or a police officer the theft or loss of a dangerous dog or other dangerous animal within five hours of the discovery of the theft or loss.~~ **Whoever violates division (c), (d), (e) or (f) of this section is guilty of a misdemeanor of the third degree and the animal control officer shall seize and impound the dangerous dog in the municipality that is not properly confined or restrained, pursuant to Ohio R.C. 955.22(A) to (D), until such time as the owner, keeper or harbinger of the dangerous dog demonstrates compliance with Ohio R.C. 955.22(A) to (D). If the owner does not comply with the provisions of Ohio R.C. 955.22(A) to (D) within three (3) days of such seizure, then the dangerous dog shall be humanely destroyed.**

(h) ~~Whoever violates divisions (f) or (g) is guilty of a misdemeanor of the fourth degree.~~ **No owner, keeper or harbinger of a dangerous dog as defined in division 505.01(b) shall fail to report to the city animal control officer or a police officer the theft or loss of a dangerous dog within five hours of the discovery of the theft or loss.**

(i) **Whoever violates division (h) is guilty of a misdemeanor of the fourth degree.**

~~(Ord. 76 96. Passed 6 10 96; Ord. 77 01. Passed 6 25 01; Ord. 72 03. Passed 9 8 03.)~~