

**MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
November 12, 2019**

At-Large Councilmember Kristin Bryant called the meeting to order at 7:42 PM

Call to Order - Roll Call

PRESENT: Baker, Bryant, Skinner
ABSENT: Clemens

Approval of Agenda

The agenda was approved as submitted.

Approval of Minutes

- a. Public Safety, Law and Courts Committee – Committee Meeting – October 28, 2019

RESULT: ACCEPTED

NEW LEGISLATION/DISCUSSION ITEMS

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.

Chair Bryant: This Ordinance was held from last meeting. I would like to open this issue up for discussion this evening. President Joseph and I will be meeting tomorrow to discuss how to move forward with the recommendations made by the Ad Hoc Committee years ago. It is my intention that Council will address all of the suggested changes to Chapter 505 with the exception of chickens. I believe there were some comments from Councilmember Spalding about leaving in poisoning of animals. What I propose is to consolidate three sections into one section on killing, injuring, poisoning or cruelty to animals as they all goes together. It makes sense to put it all together so people can easily find it when looking at the code. Are there any comments or suggestions?

Councilmember Spalding: I agree with your proposal. These all are very grievous offenses. We are trying to elevate the focus that it is a serious offense to injure animals.

Chair Bryant: We will hold this item over to the next meeting to bring back as a first reading to wrap up by the end of the year.

RESULT: ITEM HELD	Next: 11/25/2019 7:31 PM
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126-19

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
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AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO REMOVE EQUIPMENT FROM THE CITY'S FIXED ASSET LIST --- Bryant. Public Safety, Law and Courts Committee.

Deputy Chief Curtis. This legislation is to remove two treadmills that are no longer operational and too expensive to repair.

Chair Bryant: What will be done with these items?

Deputy Chief Curtis: They will be listed on GovDeals and see what they bring.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 11/25/2019 7:31 PM
MOVER:	Kristin Bryant, At-Large Councilmember	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Baker, Bryant, Skinner	

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October 28, 2019**

called the meeting to order at 7:39 PM

Call to Order - Roll Call

PRESENT: Baker, Skinner, Cotner, Luzader
ABSENT: Clemens, Bryant

Approval of Agenda

Agenda Stands Approved

Approval of Minutes

- a. Public Safety, Law and Courts Committee – Committee Meeting – October 14, 2019

RESULT: ACCEPTED

NEW LEGISLATION/DISCUSSION ITEMS

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

RESULT: ITEM HELD	Next: 11/12/2019 7:31 PM
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LEGISLATION FOR EMERGENCY ADOPTION

AN ORDINANCE TO ADD SECTION 505.02 PERMITTED AND PROHIBITED ANIMALS TO CHAPTER 505 ANIMALS AND FOWL OF THE CODE OF ORDINANCES FOR THE CITY OF REYNOLDSBURG, OHIO, AND DECLARING AN EMERGENCY --- Bryant. Public Safety, Law and Courts Committee.

Mr. Cotner: This is the one we have to get straightened out. Attorney Hood do you have comments on this or is there anyone with questions?

Mr. Hood: I submitted the proposed legislation last week, I haven't had any comments from Council members or Chairwoman Bryant. This does close the loophole that was inadvertently created by Council and I think the first round of rewrites to 505. So we made it a new subsection so its very easy for residents to find, who may not be familiar with our code. Its not embedded in any other sub-section. That was important to Council woman Bryant, I think that's the right thing to do. I would ask you to pass it tonight as an emergency to close the loop hole.

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Mr. Luzader: No questions, I just want to thank City Attorney for bringing this to our attention and getting it straightened out.

Mr. Hood: Your welcome, thank you all.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 10/28/2019 7:35 PM
MOVER:	Barth R. Cotner, At-Large Councilmember	
SECONDER:	Brett Luzader, Ward 2 Councilmember	
AYES:	Baker, Skinner, Cotner, Luzader	

Minutes Acceptance: Minutes of Oct 28, 2019 7:31 PM (Approval of Minutes)

**MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
October 14, 2019**

At-Large Councilmember Kristin Bryant called the meeting to order at 8:02 PM

Call to Order - Roll Call

PRESENT: Baker, Bryant, Skinner
ABSENT: Clemens

Approval of Agenda

Agenda stands as approved

Approval of Minutes

- a. Public Safety, Law and Courts Committee – Committee Meeting – September 23, 2019

RESULT: ACCEPTED

NEW LEGISLATION/DISCUSSION ITEMS

115-19

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

Ms. Bryant: First section is 505.11 Killing or Injuring Animals. We had some small changes there. We repealed section 505.13 as its redundant. Modified 505.15 Cruelty to Animals. We eliminated cruelty to companion animals because that's covered in 505.40.

Mr. Spalding: Yes, I just wanted to check on the 505.13 on the Cruelty to Animals, you said it was redundant. But are you tying that under cruelty or is that where your saying it is, because it seems like that's a special... the problem I have with that is ok, dog barks next door, your tired of it, you throw rat poison over, the dog dies. That's a whole different thing than just being cruel to something, you can step on something, you can kick it down the road, that's a whole different ball game. But that's a specific act and I hate it to see it taken out.

Ms. Bryant: Well its already covered in section 505.11 Killing or Injuring Animals.

Mr. Spalding: Ok, well... I feel it was in there for that specific... I just see that and I have seen it happen.

Ms. Bryant: Oh yea, I mean we have all heard stories of rat poison, antifreeze, that sort of thing. I think its redundant in that it falls in the category of the killing or injuring and also in the category of cruelty to animals. That's just me, I mean this is...

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Mr. Spalding: No, I was just sharing my opinion.

Ms. Bryant: Any thoughts?

Mr. Cotner: Just a small one. As he states that and again it might be a small detail but the poison of animals even specifically talks about it being on your own property. You know again, that cat that comes into your flower bed all of time and you accidentally leave something in your own property, I think maybe its a little redundant but does it hurt to leave that, if its really clarifying since again if you, that cat comes onto your property, people like to excuse those kind of things and "oh well it was property". I see what Councilman Spalding is saying, kind of a different way of thinking through that one a little bit.

Mr. Luzader: I don't have a problem leaving it in.

Mr. Cotner: I only, just because they are talking about your own property, just that language of it. I don't know if it can be pulled up into the 505.11 somehow but you know that's the part that kind of hit me as he was bringing that point in there.

Mr. Baker: Yes for 505.15, can it just be reworded to say torture or poison of animals?

Ms. Bryant: Yes.

Mr. Baker: Instead of just putting a whole section back in.

Ms. Bryant: Yes I think that would make sense because the whole goal of trying to revise this entire chapter, I mean obviously its a big under taking but you know one of the things that I have found in talking to animal lovers and those who maybe don't love them as much, is there that some of our code is a bit difficult to navigate. The goal here was to try to streamline things. And to eliminate some the redundancies and duplication that we have had in this chapter. I am certainly open to, we can have poison and absorbed into you know the cruelty section. You know I think that could make a little more sense.

Mr. Spalding: I think the other section you have done a great job with, the only reason why I am concerned about this is it sends a clear signal. It spells it right out. Poisoning of animals, your in big trouble. Its just like if we had cruelty I guess covers shooting, hanging, a whole lot of other sins, but this one jumps right out and says don't poison animals. That's why I like to have it in there. Is its so crystal clear, nobody can saw well I didn't understand that wasn't being cruel. Well yea ok, its being very cruel.

Ms. Bryant: Yes, I would concur.

Mr. Spalding: Ok.

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Ms. Bryant: Ok. President Joseph you had worked on this with me, do you have any particular feeling on how you would like to do this?

Mr. Joseph: I am comfortable either way, I don't have a strong viewpoint.

Ms. Bryant: Ok, I think we could all kind of go either way.

Mr. Hood: Having dug into this today, I did see, and something else and I don't know that it is something that caught the attention of the group. The cruelty section deals a lot with companion animals. Companion animals only. I don't know if you want to draw the distinction between any animal or just companion animals when you talk about poisoning animals. If you get up to killing and injuring animals and you may want to put it in there, I think that covers more animals than just the companion animals. And the prosecutor in me says that, that's a more serious offense, that's a misdemeanor of the first degree, instead of a misdemeanor of the second degree. So it would be more serious consequences for somebody poisoning an animal. So I guess not necessarily two cents but as I was digging through this today I did see that in companion animals and interestingly enough this just occurred in the City last week. We have a bit of experience with it. The animal that was tortured was not a companion animal, that's what kind of drove the point home to us.

Ms. Bryant: Yes the bulk of 505.15 where it used to be "animals; cruelty to companion animals", everything that referenced companion animals was repealed because we have covered that in 505.40. That was one of the first sections that we enacted in working on this project. So 505.40 deals with police dogs and companion dogs.

Mr. Hood: No I remember that specifically but cruelty part that we are talking about now, talks about companion animals. So it may exclude other types of animals. If you are cruel to an opossum, by way of example, that happened last week. We used the other sub-section. So that's why saying the poisoning may fit better in the killing, injuring or poisoning an animal. If that is the intent of the City Council.

Ms. Bryant: Yea I think we can probably condense the three sections.

Mr. Hood: And as I said it will be a more serious violation instead of a misdemeanor of the second degree it will be a misdemeanor of the first degree if you poison an animal, ok?

Ms. Bryant: Right. Yea I think that would make sense if we combine the three sections. Ill work on that and bring it back next time.

Mr. Spalding: Yea I appreciate that, because I just think that's just heinous and I want it to stand out very strong so there is no misinterpretation.

Ms. Bryant: Yes, I do not disagree, so I'll work on that in the mean time. What's left for me, there was a Bexley ordinance that was left on my desk. Was that you Mr. Spalding?

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Mr. Spalding: I did, yea. Yea I just wanted to bring that up because this is the kind of item I'm getting feedback when I talk to people. Recently, I think we have all been talking to a lot of folks out there. And its ordinance around disposal of animal fecal matter required. I think its a pretty good ordinance myself.

Ms. Bryant: Yes. I agree.

Mr. Spalding: I would clearly like to see something this language adopted by us if that would be appropriate. Because I think the, kind of what I am hearing from more people is hey, you know, I want to be an offense whose dog comes in my yard and then walk away.

Ms. Bryant: Yes, I certainly agree with you there, I experience that daily.

Mr. Spalding: So you think this, I was just kind of bringing it up more a discussion item. I would like to see since your working on that, if this would be appropriate.

Ms. Bryant: Mr. Hood, if we table this...

Mr. Hood: That's already illegal, its already in there. Yes with that. But to address your concern Mr. Spalding, 505.17c currently and continually prohibits that conduct. We are to all clean up after out animals. Or its a nuisance condition that is punishable. I cant tell you if we write a lot tickets for it, but we can be rest assured its still illegal.

Ms. Bryant: Yes, that may be one where we want to have a title out there for, specific title for that.

Mr. Spalding: I'll leave it in your capable hands. Thank you.

Ms. Bryant: So what I am going to do is I am going to table the new legislation encompassing. We are going to rewrite phase 3 which encompasses 505.11, 505.13, 505.15 and we will bring that back as legislation for first reading next Council meeting.

RESULT:	TABLED [UNANIMOUS]	Next: 10/28/2019 7:31 PM
MOVER:	Kristin Bryant, At-Large Councilmember	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Baker, Bryant, Skinner	

505.02 Permitted Animals

Ms. Bryant: We have had some discussions leading up to this evening. Councilman Luzader brought a couple of things to my attention, we have discussed it with City Attorney Hood. What we would like to do is add a section 505.02 Permitted Animals. Which would be animals which may be owned or harbored within the municipality are pure domestic cats, pure domestic dogs, meaning not hybrid. Domestic rabbits, guinea pigs, chinchillas, mice,

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hamsters, gerbils, parrot like birds, nonpoisonous fish, nonpoisonous reptiles, including snakes under five feet in length, hedgehogs and ferrets. It was suggested that we do this in multiple sections, the permitted animals being section a, non permitted section b, would be farm animals not permitted. And then another section, subsection c, being that exotic and wild animals are not permitted. If we are doing that, it also takes into play the last time we were here when we addressed 505.33 and 505.31. So in looking at that before we started the meeting, it appears that we can eliminate 505.33 and probably add 505.31 as a sub-section. Which covers marketing exotic animals. For the average citizen that comes in and wants to determine is it safe to buy a potbelly pig, is it ok for me to get a mini horse, you know that sort of thing. If we have what's permitted and not permitted, immediately following the section of definitions, I think that is the most logical sense and creates an ability the section without requiring a law degree. Mr. Hood if I am correct, you had suggested we do this as an emergency so that we can override what we did with 505.33?

Mr. Hood: Yes, I am proposing that because the effective date of the changes that you made, last meeting, the Mayor signed it on September 25th and 30 days after that is October 25th. If its introduced tonight and passed as an emergency at our next meeting and the Mayor signs it, we will take care of the inadvertent consequences that happened at our last meeting. It will be a matter of two days where this will not be in place and it would be not enforceable but from Saturday to Monday, I think that is an acceptable risk. That's why I am proposing to be an emergency for no other reason. Looking at the minutes, all of the discussion, I should say none of the discussion had anything to do with these types of prohibited or allowable animals. It was an over site made by City Council that I don't believe any of you intended to do. I think this the best way to fix it without going back totally and restarting.

Ms. Bryant: Mr. Hood I am looking at 505.31, that's the section where we eliminated a lot of the language there and its strictly in regard to marketing wild or exotic animals. I think that we can throw that into the permitted animals as a sub-section to what's not permitted.

Mr. Hood: I only have the older version in front of me, but I will look at that tomorrow. My intention was if this was going to be introduced and the committee suggested moving this on, to write the language down tomorrow morning and email to you all tomorrow so you have as much time as possible to go over it. It should not look new to you, it will be formatted differently but really the language should be recognizable to you. The words are going to be the same, they are just going to be formatted a little bit differently.

Ms. Bryant: Mr. Hood, if I could make a suggestion, as we had talked having 505. 02 being a permitted animals, have the section a as what's permitted, b being the farm animals and then c the exotic and wild animals not permitted. And then basically using the 505.33 language that we have as a amended as the sub-section c and then making 505.31 a sub-section to that.

Mr. Hood: 31a?

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Ms. Bryant: Yes, the 505.31. It just says no person shall market in any form wholesale or retail. Any vicious, dangerous, wild or exotic animals within the municipality.

Mr. Hood: Yes, I am looking at the old version online, sorry. I understand what your saying now.

Ms. Bryant: Yes, I think it just makes sense.

Mr. Hood: Right, and the penalty will remain the same.

Ms. Bryant: Correct.

Mr. Hood: Ok, that was the plan, I think its the best fix. And as I said, I will make this a priority tomorrow morning and get it out to you as fast as I can.

Mr. Luzader: I was just wondering, should we do this as two pieces of legislation.

Mr. Hood: I don't think its necessary.

Mr. Luzader: So that we can get 505.02 that is suggested now, passed as emergency and then the 505.11, 505.15 that are already on the agenda tonight can go ahead and go through its regular course.

Mr. Hood: Oh you mean this evening? I think the ordinance can change all of them. Unless, I am wrong, I don't believe you will be prepared to act on those other sections at the next meeting. So they can be separated. We can submit a separate ordinance request for tomorrow morning and have that disbursed to you all with the 505.02 changes and then the other sub-sections, sorry 11 and 13 can go through the normal legislative procedure.

Mr. Luzader: Just thinking that way we would be covered for what was the over site on the last one passed.

Mr. Hood: There is no clear emergency to do anything those sub-sections.

Mr. Luzader: That's what I mean.

Mr. Joseph: Are you suggesting we amend 505.02 to this ordinance tonight and then two weeks we strip out everything but 505.02? And then new legislation dealing with the rest of this text can be submitted at that point?

Mr. Luzader: Yes.

Ms. Bryant: I think we can do both.

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Mr. Hood: Right.

Ms. Bryant: I think we can do 505.02 as an emergency in the next meeting and I think we can continue beyond this to...

Mr. Joseph: The only reason I say that, is that it would not have a first reading.

Mr. Hood: I think, correct me if you think I am wrong Doug, I think that if you have the committee hearing 505.02 right now and then someone makes a motion to enact 505.02, because it does not exist right now, that's why we chose that number. Make a motion to enact it in the form that Council woman Bryant submitted to you all this evening with the proposed changes that we talked about, have that stand for a first reading this evening, add it to the agenda this evening, have it moved back to committee in two weeks. I will have everything done well before that and you can pass it as an emergency two weeks from now. So it will have a reading this evening. I understand we don't like doing it this way but honestly it didn't come to anyone's attention until after the agendas were published and really this morning.

Mr. Joseph: Basically your suggesting that two separate pieces of legislation get first reading instead of one.

Mr. Hood: I am suggesting that 505.02 is an emergency and we need to act upon it otherwise there will be consequences.

Mr. Joseph: First reading tonight though?

Mr. Hood/Ms. Bryant: Yes.

Mr. Hood: The others, however you chose to deal with it, I think can be separately and done through the normal process and go for as long as you all need to come up with the appropriate changes for those. Because there is nothing that is inner-playing with them that makes them problematic.

Ms. Bryant: Yes, and then we can just continue with the phase 3 as normal. First reading tonight, second reading when we come back.

Mr. Luzader: That's why I was thinking it would be better to just have two pieces of legislation.

Mr. Joseph: Basically you want to have two separate discussions, one on .02 and one on the other and submit them both for their first reads.

Ms. Bryant: Right.

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Mr. Hood: Make a motion for 505.02 now and then take up the other ones later tonight or immediately there after.

Ms. Bryant: So at this time I would like to move that we adopt 505.02 as permitted animals, move this as first reading and have it back as an emergency in the next meeting. Do I have a second?

COUNCIL MEMBER BAKER SECONDS THE MOTION FROM COUNCIL MEMBER BRYANT 505.02 PERMITTED ANIMALS TO BE REFERRED TO COUNCIL FOR ITS FIRST READING - ALL VOTED IN FAVOR BY VOICE

Minutes Acceptance: Minutes of Oct 28, 2019 7:31 PM (Approval of Minutes)

PHASE 3 – AMENDMENTS TO ANIMALS & FOWL ORDINANCE

505.11 KILLING OR INJURING 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 from a dangerous 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.~~

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

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 with a sufficient quantity of good wholesome food and water during the confinement;

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

~~(2)~~ (3) Impound or confine an animal without affording it access to shelter from wind, rain, snow, heat, cold, or excessive direct sunlight during the confinement, 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 a man made enclosure or 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) (5) 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))~~

505.02 PERMITTED AND PROHIBITED ANIMALS

- (a) Animals which may be owned or harbored within the municipality are: pure domestic cats, pure domestic dogs (not hybrid), domestic rabbits, guinea pigs, chinchillas, mice, hamsters, gerbils, parrot-like birds, non-poisonous fish, non-poisonous reptiles including snakes under five feet in length, hedge hogs, and ferrets.
- (b) No person shall own or harbor any type of farm animals within the municipality.
- (c) No person shall own or harbor any wild or exotic animal or animals, as defined in Sections 505.01(d) and (n), within the municipality unless otherwise permitted under Ohio law.
- (d) No person shall market in any form, wholesale or retail, wild or exotic animals, as defined in Sections 505.01(d) and (n), within the municipality.
- (e) Whoever violates any of these sections is guilty of a misdemeanor of the second degree. Each day such section is violated shall constitute a separate offense.

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

DATE: November 12, 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
7232 East Main Street
Reynoldsburg OH 43068
614-322-6836 Phone

following the signature by the Mayor.

PHASE 3 – AMENDMENTS TO ANIMALS & FOWL ORDINANCE

505.11 KILLING OR INJURING 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 from a dangerous 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.~~

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

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 with a sufficient quantity of good wholesome food and water during the confinement;

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

~~(2)~~ **(3)** Impound or confine an animal without affording it access to shelter from wind, rain, snow, heat, cold, or excessive direct sunlight during the confinement, 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 a man made enclosure or 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) (5) 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))~~

Police Department

David Plesich
7240 E. Main Street
Reynoldsburg OHIO 43068
614-322-6947 Phone

ORDINANCE REQUEST

DATE: **November 12, 2019**

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

RE: **Fixed Asset Removal**

Approval:

Completed Brad McCloud	Jed Hood	Completed Stephen Cicak
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PD pieces of equipment are beyond repair and no longer operational.

Council is requesting release of the digital recording mixer

Service Department is requesting the release of an HP Designjet 1770 Plotter Printer

#Item		Date Purchased	Cost
1929	1 Precor C956i Treadmill Reconditioned	07/15/14	\$2,795.00
1930	1 Precor C956i Reconditioned Treadmill	07/15/14	\$2,795.00
Council	Pre Sonus Studiolive Digital Recording Mixer 1/1/1998		\$1,800.00
Service	HP Designjet 1770 Plotter Printer	12/28/2010	\$2,510.98

**AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO REMOVE EQUIPMENT
FROM THE CITY'S FIXED ASSET LIST**

Police Department**David Plesich****7240 E. Main Street****Reynoldsburg OHIO 43068****614-322-6947 Phone**

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

SECTION 1. That the City Auditor be and is hereby authorized and directed to remove the following items from the city's Fixed Asset list:

From the Police Department

Tag #	Item
1929	Precor C956i Treadmill Reconditioned
1930	Precor C956i Treadmill Reconditioned

From Council

588	PreSonus Studiolive Digital Performance & Recording Mixer
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From the Engineer Department

2493	HP Designjet 1770 with hard disk
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SECTION 2. That the City of Reynoldsburg will dispose of the items referred to in Section 1 and any monies received from the auction of items shall be deposited into the General Fund.

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