



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

**CITY COUNCIL**  
**Committee Meeting**

7232 East Main Street  
Reynoldsburg, OH 43068  
[www.ci.reynoldsburg.oh.us](http://www.ci.reynoldsburg.oh.us)

Mollie Prasher, Clerk of Council  
614-322-6836

Mel Clemens, Committee Chairman

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**Monday, October 14, 2019**

**Council Chambers**

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**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 – September 23, 2019

**4. NEW LEGISLATION/DISCUSSION ITEMS**

A. 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

MINUTES COMMITTEE MEETING  
 REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE  
 September 23, 2019

At-Large Councilmember Kristin Bryant called the meeting to order at 7:51 PM

Call to Order - Roll Call

PRESENT: Baker, Bryant, Skinner

ABSENT: Clemens

Approval of Agenda

Approval of Minutes

a. Public Safety, Law and Courts Committee – Committee Meeting – September 9, 2019

<b>RESULT:</b>	<b>ACCEPTED</b>
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LEGISLATION FOR THIRD READING

AN ORDINANCE TO AMEND CHAPTER 505 ANIMALS AND FOWL, SECTIONS 505.03, 505.05, 505.17, 505.23, 505.31 AND 505.33, AND REPEAL SECTION 505.39 THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO --- Bryant. Public Safety, Law and Courts Committee.

Mr. Luzader: Do we still need to amend that one part I was trying to find a few weeks ago?

Mr. Bryant: It was amended and is amended in the agenda?

Mr. Luzader: We will still have to amend it either here or at Council don't we?

Ms. Bryant: We did that the last time we were here.

Mr. Joseph: Clarify what that amendment was.

Mr. Luzader: Well there was in paragraph E, in the third sentence there was a typo. It said "such underground and shall not apply the animal", or shall not allow the animal.

Mr. Joseph: I believe we amended that already.

Ms. Bryant: Yes, its already amended.

Mr. Luzader: Did we amend it last week?

Ms. Bryant: Yea it was amended and its in the agenda highlighted in yellow where the word "and" was struck and the word "fence" was replacing the word "and".

Minutes Acceptance: Minutes of Sep 23, 2019 7:31 PM (Approval of Minutes)

MINUTES COMMITTEE MEETING  
 REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE  
 September 23, 2019

Mr. Luzader: I knew we were going to change it but I didn't know for sure if we amended it. That's why I said I knew it was changed but I didn't know if we actually amended it or not.

Ms. Bryant: Yes, we did that at the last meeting.

<b>RESULT:</b>	<b>REFERRED TO COUNCIL [UNANIMOUS]</b>	<b>Next: 9/23/2019 7:35 PM</b>
<b>MOVER:</b>	Kristin Bryant, At-Large Councilmember	
<b>SECONDER:</b>	Caleb Skinner, Ward 1 Councilmember	
<b>AYES:</b>	Baker, Bryant, Skinner	
<b>ABSENT:</b>	Clemens	

Minutes Acceptance: Minutes of Sep 23, 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**

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**DATE:**           **October 14, 2019**

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

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

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Approval:

Pending Brad McCloud	Pending 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.

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

SECTION 1. That Chapter 505 ANIMALS AND FOWL, Sections 505.11 and 505.15 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, Section 505.13 be hereby repealed as attached as Exhibit A.

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

## PHASE 3 – AMENDMENTS TO ANIMALS &amp; 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))~~