

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 We repealed section 505.13 as its redundant.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