

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, September 23, 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 9, 2019

**4. LEGISLATION FOR THIRD READING**

A. 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 (SECOND READING 9/9/2019)

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

Chairman Mel Clemens called the meeting to order at 7:52 PM

Call to Order - Roll Call

PRESENT: Clemens, Baker, Bryant, Skinner

ABSENT:

Approval of Agenda

Approval of Minutes

a. Public Safety, Law and Courts Committee – Committee Meeting – July 22, 2019

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

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: REPEALING/REPLACING VARIOUS SECTIONS CHAPTER 505 ANIMALS AND FOWL; PHASE TWO --- Bryant. Public Safety, Law and Courts Committee.

Ms. Bryant: Thank you Chairman Clemens. This was phase 2, I know its been a little while. So you may recall its several different ordinances that are just getting cleaned up and some additions made. So if there is any questions in regards to this second phase of ordinances, I am happy to answer those questions.

Mr. Luzader: Mr. Clemens I just had one quick question. This is the that we had some questions on last time did we not?

Mr. Clemens: That is correct.

Ms. Bryant: It is and I went through it this afternoon and didn't see what you had pointed out before when I looked at the original production of the ordinances that I forwarded to the Clerk of Council.

Ms. Luzader: What's on the agenda packet still has in section 505.03 paragraph E, an animal may be confined by an underground fence or any similar device. This is defined as a very wired which gives a slight electrical charge when activated.

Mr. Joseph: Well the one point, I was reviewing the minutes and this is actually, this is a item for, did we hold this at that last meeting, ok so at that time it was up for second reading. Ok. Ok, go ahead I just wanted to clarify that.

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

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

Ms. Bryant: Yea I went back through what I forwarded to Council Clerk this afternoon and I could not find what we found before so I am wondering if maybe it got... it may have been misprinted in the agenda packet at some point but what I forwarded her today I could not find the error that you had pointed out the last time we were here.

Mr. Luzader: I am actually live on the laptop now and finding that it has been corrected. The only other question is didn't we decide whether we were going to emend to require a permit for the underground fence?

Ms. Bryant: I don't think that we said that we were going to require the permit, I thought that what we had discussed if there was a violation the ordinance that the person just proved they had installed the underground fencing prior to the institution of the ordinance.

Mr. Luzader: We discussed that for grand fathering but we were talking about requiring a permit for future installations. I'll leave it up tot the committee but I know we discussed that so.

Ms. Bryant: Again, I don't know that a permit in necessarily required. I think that its unnecessary paperwork. I think that if they have installed it properly to begin with, there is not going to be an issue.

Mr. Joseph: The way the minutes present it, Councilman Luzader said " While you looking, also last time we were also talking about the underground fences, and I think it probably would be a good idea that we make that a permit." Councilman Clemens said "I do too." Councilman Luzader said "Just the same as our regular fences." Councilman Bryant you said "I would concur." I said "But the idea is to grandfather in anyone that has them now, correct?" Both Councilman Bryant and Councilman Luzader said yes. Councilman Luzader said "Might have to get with the City Attorney and see if we add that here or if we just add it to our permit structure." Did you ever get with the City Attorney on that?

Mr. Luzader: No, I didn't, I thought Councilwoman Bryant was going to.

Mr. Joseph: Mr. Hood said "you can add it here or amend in Council, the only concern I have about the grand fathering is how were going to know when the fences were constructed when we attempt to enforce this?" Council woman Bryant said, "Well my suggestion would be the person that has the current underground fence, they should be able to contact the provider that installed it in the first place to get some sort of documentation or something along the lines of a cancelled check or credit card receipts." Mr. Hood said, "So you still want them to register with the City even though they don't need a permit to install?" Council woman Bryant said, " I don't think they would need a permit to install because it is already installed as we discussed, we were talking about grand fathering that in, but if we could have them show proof of prior installation." Mr. Hood said, "But when? At that time we try to enforce it or do we want a list of people who have it before we start issuing permits?" That's the conclusion of that.

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

Mr. Luzader: I know we discussed it before and actually discussed whether, I thought we came to the conclusion that we would require a permit.

Ms. Bryant: I am honestly fine with it either way, if we have got a way of dealing with extra permits that's not going to be too intrusive to City Hall staff, then I am fine with that. Otherwise if its going to be unduly burdensome on them, I am open to suggestion, it doesn't bother me either way.

Mr. Clemens: I think we have discussed it, as far as permit being issued I don't see anymore really disturbance as far issue having to pay for it. I mean that's what we hire people for. They will be there I think that the permit should be, personally. But its up to the rest of the committee.

Mr. Cotner: I don't understand why we would have a permit. You cant see it, you don't know it. The owner of the property takes care of their pet, why are we doing a permit? It doesn't look bad, its not like its a nuisance to anyone so I don't understand why we would put a burdensome of another permit. I don't see much value in it.

Mr. Baker: I agree with Councilman Cotner.

Mr. Joseph: I concur as well, in fact this is something we can always alter later if it does become an issue. I support just leaving it, not including it at this time.

Mr. Luzader: I just thought that because we never had this section in our ordinance before. Just thinking it was something we may need to know if law enforcement, animal control, whoever goes out there, they can pull it up on there laptop and see, they do have an underground fence permit. That's the only thing I was thinking of. Either way, it was just something I brought up since it was never in our ordinance before.

Mr. Joseph: Well this is up for second reading and we still have two weeks to ponder whether we want to include that. I recommend we move it on at this time and Council can continue to ponder this over the next two weeks.

Chief Plesich: Councilman may I add something to discussion? Just keep in mind if your going to make this a criminal offense, that the burden is on the government to prove that someone has violated an ordinance and there is no way for us to force someone to produce records of when they got fenced. Thank you.

Mr. Clemens: We can think about that and we can move this on for second reading.

Mr. Bowsher: Just real quick, if we do require permits and that's where would like to go down. It would probably not fall underneath of a zoning permit but what I would be concerned about is how they are connecting electricity wise. These would probably require an electrical permit which would require outside inspection, outside of City Hall. Which would pass on a further burden to the resident or the home owner, so take that with a grain of salt as we continue to think about that.

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

Mayor McCloud: In paragraph E, the third sentence, I think there is a typo there, it says, this is the start of the sentence "such underground and shall not allow the animal." Is that what Brett was looking for?

Ms. Bryant: That's the one.

Mr. Luzader: That's what I was trying to find.

Ms. Bryant: I think it needs to read "such underground fence shall not allow the animal to move any closer." So just amend that and fence." I would like to move that we replace the word and with fence. Do I have a second?

Mr. Skinner: I'll second that motion.

ALL VOTED IN FAVOR BY VOICE FOR THE AMENDMENT OF THE WORDING

Mr. Joseph: If the clerk would please include that in final version for consideration for next week, thank you.

<b>RESULT:</b>	<b>REFERRED TO COUNCIL AS AMENDED [UNANIMOUS] Next: 9/9/2019 7:35 PM</b>
<b>SECONDER:</b>	Kristin Bryant, At-Large Councilmember
<b>AYES:</b>	Clemens, Baker, Bryant, Skinner

LEGISLATION FOR THIRD READING

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: REPEALING/REPLACING VARIOUS SECTIONS OF CHAPTER 505 ANIMALS AND FOWL: PHASE 1 --- Bryant. Public Safety, Law and Courts Committee.

Ms. Bryant: There was a suggestion made I think it was by Councilman Skinner after the last meeting that we amend assistance dog to assistance animal. I would like to make a motion that it be amended to "Interference with Police Dog or an assistance animal."

Mr. Clemens: Do I have a second? Second by Councilman Skinner.

ALL VOTED IN FAVOR BY VOICE TO AMEND THE WORDING

Mr. Hood: Correct me if I am wrong Councilwoman Byrant, that definition, I know its not a tremendous part of the ordinance, but doesn't that part come back to the revised code section that's defined that way. I looked at it this morning, I think that it is. The definition matched, so if you change it that's fine but the reference to the revised code is now going to be bad.

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

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

Ms. Bryant: That's what I was looking at this afternoon and was trying to decide whether I made that amendment on my own and send it to Ms. Prasher, I opted to wait and have it in discussion.

Ms. Joseph: Do you recommend going back to the original language?

Mr. Hood: I recommend that you do not amend it, yes.

Mr. Joseph: Ok, well its been amended, I recommend we pass it and we can amend it at Council back to the way it was.

Mr. Hood: Because the revised code section is not going to make sense now. Ok.

Mr. Joseph: Yea. We can fix that when we send it back to Council.

<b>RESULT:</b>	<b>REFERRED TO COUNCIL AS AMENDED [UNANIMOUS] Next: 9/9/2019 7:35 PM</b>
<b>SECONDER:</b>	Kristin Bryant, At-Large Councilmember
<b>AYES:</b>	Clemens, Baker, Bryant, Skinner

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

**City Council****Kristin Bryant****7232 East Main Street****Reynoldsburg OH 43068****614-893-2299 Phone****ORDINANCE REQUEST**


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**DATE:** September 23, 2019

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

**RE:** PHASE 2 AMENDING SECTION 505 ANIMALS & FOWL

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Approval:

Skipped Brad McCloud	Skipped Jed Hood	Stephen Cicak
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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Chapter 505 ANIMALS AND FOWL, Sections 505.03, 505.05, 505.17, 505.23, 505.31 AND 505.33 be amended in the Code of Ordinances of the City of Reynoldsburg be and is hereby attached as Exhibit A.

SECTION 2. That Chapter 505 ANIMALS AND FOWL, Section 505.39 is hereby repealed as is hereby 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.

### 505.03 ANIMALS RUNNING AT LARGE.

(a) No person being the owner, as defined in Section 501.01(g), of an animal or animals shall permit them to run or traverse at large upon any public place, upon any unenclosed lands, or upon the premises of another without the consent of the owner of such property within the Municipality.

(b) A dog shall not be considered to be running at large if under the reasonable control of some person ~~The owner of every animal within the Municipality shall at all times keep such animal either confined upon the premises of the owner or under the reasonable control of an individual responsible for the animal.~~

(c) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running or traversing at large in violation of this section.

(d) No owner of any dog shall permit the animal to enter upon any property that is not of his owner, when it is not securely leashed, ~~or under direct control.~~ The leash securing the animal shall not be longer than six feet in length. ~~The leash shall be controlled by a person that is physically capable of preventing the animal from entering private property and/or making physical contact with another animal or person, so long as such contact is not initiated by another animal or person.~~

(e) An animal may be confined by an underground fence or any similar device. This is defined as a buried wire, which gives a slight electrical charge when activated by a special collar worn by the animal which is to be confined. Such underground ~~fence and~~ shall not allow the animal to move closer than ten (10) feet from the sidewalk or property line. This section shall not apply to any owner, who at the time of the passage of this ordinance, has in place a non-conforming underground fence.

(f) Whoever violates this section is guilty of a minor misdemeanor. ~~If, within one year of the offense, the offender previously has been convicted of violating this section, the offender is guilty of a misdemeanor in the fourth degree, and if the offender has two or more violations of this section within one year, the offender is guilty of a misdemeanor in the third degree.~~

(Ord. 76-96. Passed 6-10-96; Ord. 72-03. Passed 9-8-03; Ord. 48-13. Passed 7-1-13.)

### 505.05 IMPOUNDING AND DISPOSITION; RECORDS.

(c) A police officer or animal warden may impound every animal or dog within the Municipality found in violation of Section 505.03. Any dog or animal impounded shall not be released except upon the payment of reasonable expenses for its taking and keeping. Any dog or animal not redeemed within three days of the time it is seized or impounded may be sold or otherwise disposed of as provided by Ohio R.C. 955.16.

(d) Impounded Dog.

- (1) If an impounded dog is not wearing a valid registration tag, the dog shall forthwith be turned over to an officer charged by law with the custody and disposal of such dogs.
- (2) If feasible, the dog should be checked for identification by means of a microchip.
- ~~(2)~~ (3) If the dog is wearing a valid registration tag or the identity of the owner, keeper, or harbinger is otherwise established, notice shall immediately be given to such owner, keeper, or harbinger that the dog has been impounded. Notice may be by telephone or by ordinary mail to the last known address of such owner, keeper, or harbinger.
- (3) (4) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of any costs or receipts involving such dog shall be kept.

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

**505.17 NUISANCE CONDITIONS PROHIBITED.**

(a) No person shall keep or harbor any animal or fowl within the Municipality so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort, or safety of the public.

(b) Any animal, which destroys or damages any lawn, tree, shrub, plant, building, or other property other than property of its owner or person in charge or control of such animal by scratching, digging, running loose, defecating or urinating, or otherwise injures property of others as described above, is hereby declared a nuisance.

(c) Any person being the owner of or in charge or control of any animal shall immediately remove all feces deposited by such animal from another person's property including public parks or other public property. The responsible person in charge or control of such animal shall immediately dispose of same in a sanitary manner.

(d) Whoever violates this section is guilty of a minor misdemeanor; however, if within one year of the offense, the offender previously has been convicted of violating this section, the offender is guilty of a misdemeanor of the fourth degree. If the offender has two or more violations of this section within one year, the offender is guilty of a misdemeanor in the third degree.

(e) If the offender has two or more violations of this section within one year, the animal may be seized and removed from the City.

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

### 505.23 ANIMAL BITES; REPORTS AND QUARANTINE.

- (a) (1) Whenever any person is bitten by a dog or other animal, a report of such bite shall be made to the applicable county Health Commissioner within twenty-four hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian and results of such examination shall be reported to the Health Commissioner within twenty-four hours. At the direction of the Health Commissioner, the dog or other animal shall either be confined by its owner or harborer to his premises away from the public at large or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten, at which time a report of the condition of the animal shall be made to the Health Commissioner.
- (2) No person shall fail to comply with the requirements of this section or with any order of the Health Commissioner made pursuant thereto, nor fail to immediately report to the Health Commissioner any symptoms or behaviors suggestive of rabies.
- (b) No owner, keeper, or harborer of any dog, cat, or ferret shall fail to have same animal vaccinated against rabies, **nor shall any animal impounded by the City be released until proof is shown that the animal has been vaccinated against rabies.**
- (c) No owner, keeper or harborer of a dangerous dog or other dangerous animal, as defined in 505.01(b), shall fail to report any incident of dog or animal bite within one hour to the City animal control officer, the City Police Department or the County Board of Health.
- (d) Whoever violates divisions (a) or (b) of this section is guilty of a minor misdemeanor. Whoever violates division (c) is guilty of a misdemeanor in the fourth degree.

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

**505.31 MARKETING WILD OR EXOTIC ANIMALS.**

(a) No person shall market in any form, wholesale or retail, any vicious, dangerous, wild, or exotic animals within the municipality. ~~Exceptions to the above include pure domestic cats, pure domestic dogs (not hybrid), domestic rabbits, guinea pigs, chinchilla, mice, hamsters, gerbils, parrot like birds, non poisonous fish, non poisonous reptiles and non poisonous snakes under five feet in length, hedge hogs and ferrets.~~

(b) Whoever violates this section is guilty of a misdemeanor in the second degree. Each day such section is violated shall constitute a separate offense.

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

### 505.33 KEEPING WILD OR EXOTIC ANIMALS.

(a) No person shall own or harbor any wild or exotic animal or animal **within the municipality unless otherwise permitted under Ohio law.** ~~that is endangered within the municipality.~~

~~(b) Exceptions to division (a) herein are veterinarians for the purpose of medical treatment and educational facilities.~~

~~(c) Permission to temporarily keep and care for a native Ohio wild or exotic animal that is under the care of a licensed veterinarian shall be obtained from the Ohio Department of Natural Resources.~~

~~(d) 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, and non-poisonous snakes under five feet in length, hedge hogs, ferrets, and horses owned prior to the effective date of this ordinance.~~

~~(e)~~ (b) Whoever violates this section is guilty of a misdemeanor in the second degree. Each day such violation occurs or continues shall constitute a separate offense.

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

**~~505.39 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.~~**

~~—(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this state or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to a law enforcement officer of the Municipality and the sheriff of the county where the escape occurred.~~

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

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