

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
July 8, 2019

Chairman Mel Clemens called the meeting to order at 7:46 PM

Call to Order - Roll Call

PRESENT: Clemens, Baker, Bryant, Skinner

ABSENT:

Approval of Agenda

Agenda Stands

Approval of Minutes

a. Public Safety, Law and Courts Committee – Committee Meeting – June 24, 2019

RESULT:	ACCEPTED
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NEW LEGISLATION/DISCUSSION ITEMS

2465 : ORDINANCE TO REPEAL REPLACE CHAPTER 505 ANIMAL AND FOWL PHASE ONE --- Bryant. Public Safety, Law and Courts Committee.

Mr. Clemens: This has been discussed and this has been brought to us by Councilman Bryant. She has worked hard on this issue and we met on it and discussed the different items so what I would like to do is turn this over to you to handle this since you have been here before with it and take the questions if you want to make some answers to them. Then we decide whether we move it over when your done, if you would please.

Ms. Bryant: Thank you Chairman Clemens. The first phase just so people know on Council, what we ultimately decided was to address this chapter in five sections. What were going to be starting with, what we perceive to be the least controversial items in phase one and phase two. Phase one is Interference with a police dog or an assistance dog. It would be a brand new section and it would create consequences for those who might do anything to obstruct the use of the K9s by RPD. It is a section that is in place in Westerville as well as a few other suburbs, gives a little extra teeth I believe, I don't know Chief, you might be able to correct me if I am wrong on this, but I think generally speaking a K9 is considered a police officer as far as any sort of obstruction that someone may try to engage in with the police dog. But this adds a little extra teeth so to speak, yea, to any potential person who may try to obstruct the duties of the K9 dog. It also adds a little extra bite to anybody that interferes with the use of a companion dg, assistance dog. For those of you who are on social media, there was something that happened just within the past week where someone's assistance dog was pretty badly chewed up in some sort of a altercation with another animal. This would hopefully, it may not prevent that from happening in the future but at least it would provide a consequence for something like that should it happen again. It would be my proposal that we have this stand for a first reading and move forward with the addition of this section.

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Mr. Spalding: You say you are breaking this down into five sections but your asking to move this forward tonight for first reading for the whole enchilada. I would be more happy to deal with that one section that you just discussed and have it brought here as an individual piece of legislation, I would be very happy to talk about that. I am not the least bit convinced, I mean you just brought up about the attack of the do with another dog, whoa that just walking right into your menacing piece and blows it up. So I mean we have got to, you know each of these things, we have got to look at a lot closer. And I agree with you, if you want to piece meal it, well then just bring one piece and were only going to talk about that one piece instead of trying to pass the whole thing.

Ms. Bryant: That's exactly what this is, is one piece. Its an additional code section tot add to that chapter. Its not taking anything away. Its adding, its adding to something that is already there. There is nothing in this proposal phase one that eliminates anything.

Mr. Joseph: If I could interject. Yea this is a brand new section 505.40, that currently does not exist in the code. So this is a brand new section, that would not be conflicting with any other section because it does not really site any other sections of 505. And Councilman Clemens and I worked with Councilman Bryant on this and we agree this was probably one of the easiest of the pieces because its pretty much a no brainer that our police dog should be interferer with nor and assistance dog. Since this is a brand new section, it was our conclusion, this is something that could go as a single piece and add it to it without any conflicts.

Mr. Clemens: Are you satisfied?

Mr. Spalding: Sure, yes.

Mr. Luzader: Thank you Chairman Clemens. You stated that a police dog is basically considered the same as a police officer?

Ms. Bryant: Correct.

Mr. Luzader: If someone in the general public were to obstruct a police officer in the line duties is it a misdemeanor of the first degree?

Ms. Bryant: It depends on the level, there is also felony obstruction.

Mr. Luzader: I just wanted to make sure were on the same level because agree. A police dog should be treated the same as an officer.

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RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 7/8/2019 7:35 PM
MOVER:	Mel Clemens, Chairman	
SECONDER:	Kristin Bryant, At-Large Councilmember	
AYES:	Clemens, Baker, Bryant, Skinner	

2427 : ORDINANCE TO REPEAL REPLACE CHAPTER 505 ANIMAL AND FOWL PHASE TWO --- Bryant. Public Safety, Law and Courts Committee.

Ms. Bryant: This is actually a few sections of the existing chapter. It addresses animal running at large, It addresses impounding, dispositions of dogs that are impounded. I think the impounding section is also again not controversial in that the addition to that chapter is saying that if its feasible the impounded dog should be checked for identification by means of microchip, which I think a lot of responsible pet owners have their pets microchipped. So this would ensure that the right animal goes to the right person if its going to be released. Then in a nuisance conditions its a simple addition of if someone violates this section, twice within the same calendar year, it would be discretionary for the animal to be ceased and removed by the City. Its not shall, its simply may. So if we've got a problem, problem animal that is escaping or doing other things to violate the nuisance code, we could request that the animal be removed from the City. The next section is that the animal bites, reports and quarantine. Its what were adding here is that an animal impounded by the City before its released, proof that the animal has been vaccinated against rabies shall be shown. Again, nothing I believe to be controversial in that. We have marketing wild or exotic animals. What we did there is we eliminated some language that was duplicate of one of the sections early in the chapter, we outline what animals are permitted in the City and those are listed currently in the code as an exception. So its a bit on the redundant side. So we eliminated the redundant language to dogs, cats, guinea pigs, rabbits, that sort of thing, is not going to be considered a wild or exotic animal. Keeping wild or exotic animal. No person shall harbor any wild or exotic animal within the municipality unless otherwise permitted by Ohio law. We added that language incase Ohio law would override our City law and we removed that is endangered. Nobody should have an endangered animal anyway. And it also removes some additional language about that, that was redundant and makes it a lot more simple. Basically it tells you unless your having some sort of an anima that is allowed by Ohio law, your not going to have anything else that is not allowed by Ohio law. And it also eliminated report or escape, because that is also governed by the Ohio Revised Code, so its unnecessary to be there. I think the biggest change was the section at the beginning, which is animals running at large. There is some additions that in that, if your walking a dog on a leash that, that person is physically capable of keeping the animal off of someone else property. So if you have got a six year old walking your rottweiler, that's probably not the best idea. Because they are not going to be able to keep that rottweiler from going onto somebody's property. You know, I think that, that is not particularly controversial as well. And then we also added some language in about people that have underground fencing, that that is acceptable. And that the underground fencing will not allow the animal any closer to the sidewalk than 10 feet or 10 feet from the property line. So they would have to have their underground fencing at least 10 feet away from their property line on the sidewalk to prevent anybody else that's walking near by. Again, I think when Mr. Clemens and Mr. Joseph and I sat down and looked at this we determined that these re some alternation that could be made to

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the code that are not controversial at all and they were more or less easy ones that we could look at and get passed. A lot of these suggestions were made with the ad hoc committee.

Mr. Skinner: Thank you Mr. Chairman, the only question I have is about who makes the call on whether or not the animal is removed from the City, not sure if I missed it in there. Who makes that decision?

Ms. Bryant: Well the enforcement of the code falls upon the City Attorney, I may be wrong about that, Mr. Hood is looking at me funny. Mr. Hood, ok. <INAUDIBLE> If they are ticketed a couple of times and they do come to Mayors court, you know that could ultimately lead to the police getting called out to a potentially third or fourth time. And I think if the officer feels that the pet owner needs to be cited then I think that they probably would.

Mr. Skinner: Thank you.

Mr. Baker: Its more of a comment. I do like the section where it says two or violations, it puts a cap on it to keep repeat offenders constantly having animals and constantly violating the law. And the fact that it also forces the owner to make sure that their owner is vaccinated because if that animal does somehow get lose and bite somebody, you know, who knows what they could have. And it actually protect the citizens, I like those two sections. I just wanted to say that.

Mr. Spalding: Yea that portion on the nuisance conditions, that looks a little new from what I remember from the ad hoc committee. I mean this portion is about any animal which <INAUDIBLE> and then the owner being charged of controlling, they must immediately remove any <INAUDIBLE>, this is like word for word right out of the Bexley thing that I remember reading so.

Ms. Bryant: Yea chapter 505.17, the only new language that I am proposing is the subsection e. Everything else in there is already there.

Mr. Spalding: right, yup. But it is, it just mirrors the Bexley one almost word for word too.

Mr. Luzader: Thank you Chairman Clemens. First question I have is how are we going to verify that the underground fence is 10 feet way from the property line?

Ms. Bryant: They would have some sort of specifications whenever they come out and install the underground fencing that would show where the fencing is. Also if the collar were to be removed, my understanding the way the underground fence works is you know, the property owner could put the pet inside and take the collar out and it would indicate that it is, the location of where, because ei don't have a dog and I don't have an underground fence but my understanding on how it works is that there is something in the collar that sends some sort of corrective signal to the animal, whether or, I don't know exactly but it, when it reaches that fence line, if it goes any further, that animal is going to regret it.

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Mr. Luzader: Well I understand that. AS a City how are we going to verify. I know if you put a fence up now you have to come in and get a permit. Put an underground fence in you don't have to have a permit. So as a City were not going to know where they are going to put it at.

Ms. Bryant: Well, yea the only way we would really find out is if your walking down the street and somebody's dog comes at you and the rest of the code indicates that your dog should not be out at your front or side yard whether it is tethered or on a leash. So if the dog is out there not a leash, it clearly does not have an underground fence or it has adapted to whatever shock system it has and its not working. In which case, they are in violation of another section of the code which says you cant have your dog out in your front yard unattended.

Mr. Luzader: And its fine but that also leads me to my next question, concerning other animals running at large, I don't know about anyone else but in my neighborhood I hear a lot of complaints about people cats.

Ms. Bryant: Yes, well...

Mr. Luzader: And one is my wife. She has flower beds everywhere and...

Ms. Bryant: Oh yea I am very familiar and I think a lot of times most of those cats have no true owner and if they did have an owner I doubt the owner would confess to being the owner. So short of finding a cat with a collar and a name and an address on it, proving ownership of that cat would be extremely difficult. There is no shortage of feral cats in the world so. You know, I think mostly, yea a cat could bite you. Mine does from time to time whenever I try to comb out the mats but yea I think we are more concerned about potential dog bites then we are cat bites.

Mr. Clemens: If you are going to bring up cats, wait until the first of the year when I am not here anymore. But as far as the fence, underground fence. We could set that as a permit issue and have that inspected just like we do a regular fence if you think its going to be a problem.

Mr. Luzader: Well and that's one of the things I was wondering if, you know if we wanted to go that far. Because I know they do have to call for Opps if they put it in too.

Ms. Bryant: Yea, you know I think people who have existing underground fences you know, we can potentially grandfather those, you know as long as it exist prior implementation prior to the ordinance and you know, there going forward, we could require a permit. We could not require the permit and wait to see if somebody gets approached by a dog. But I think that any indication of a violation is going to be a dog outside in the front yard alone. You know you are going to notice that, if there is no one there watching the dog or you know, having it on some sort of a leash. If I am not mistaken I think the tethering section that we have, as it exist today does not allow front or side yard tethering. If a person not outside and the dog, then you have got the problem.

Mr. Cotner: Just a small one under the keeping wild or exotic animal. Again just made me think of our last Council Clerk where she would do some rehab for different animals. So we kind of see right

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in there that you cant harbor any even on a temporary basis, so we may want to think about some kind of modification for those types of circumstances. Again special and limited circumstances.

Ms. Bryant: Yea, I think if I am not mistaken, there is some sort of licensure that she has in order to do. You know, basically what were doing in terms of the keeping wild and exotic animals and marketing wild or exotic animals, were just deferring to the Ohio Revised Code which would govern that anyway. So it eliminated, you know, we don't have a lot of that you know so...

Mr. Cotner: But I wouldn't want someone like how her who is doing a good deed and trying to help and...

Ms. Bryant: Right and as long as they are licensed and have the proper licensure with, I think its the ODNR, that they are licensed to do that and they can continue to do that.

Mr. Skinner: I believe we had a comment from the audience.

Mr. Brusk: 1861 Crosswick Court. Just a question about the retractable leashes, are they still a violation and therefore criminalize?

Ms. Bryant: We do not address that in these ordinances that we...

Mr. Brusk: Oh then I guess I need to be handcuffed.

Ms. Bryant: Not at all. It will be...

Mr. Brusk: Why not? It says I cant have them.

Ms. Bryant: It will be in another phase. And just to get back to Mr. Cotner on that one section, there is a slight modification where it says no person shall own or harbor any wild or exotic animal within the municipality unless otherwise permitted by Ohio law. So that would cover exactly the scenario that you were concerned about.

Mr. Clemens: As stated when we started. There will be other issues that's going to be a lot tougher than were doing right now. Were ding what we consider the east ones. There are some tough ones coming up yes.

Mr. Luzader: Excuse me Chairman Clemens, thank you. I think there is one section you said there about the animals going onto someone else property. Says the leash shall be controlled... and I thought it said the leash will be no more than 6 feet long. 505.03(d).

Ms. Bryant: I do not believe it does, I am sorry I am looking at the wrong...

Mr. Luzader: A leash securing the animal shall not be longer than 6 feet in length.

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Ms. Bryant: Ok, I wasn't looking at the right section.

Mr. Luzader: Its not new, its in the existing code.

Ms. Bryant: I am sorry which section are you looking in?

Mr. Luzader: 505.03 paragraph d.

Ms. Bryant: Okay. <INAUDIBLE> Yea, that's already, yea, you are right, good catch. Yea, so that does say, its does say, it just says the leash securing the animal shall not be longer than 6 feet. And that's already in the existing code, so if we wanted to amend that, I don't have an objection to that, but that would be, if Council is interested in expanding that from 6 feet to something more, I don't have a particular objection to that, I am open to it.

Mr. Clemens: Are there questions? Anybody agree to that or are they satisfied with he 6 foot?

Mr. Skinner: I think we could look into it for the next meeting. Perhaps adjust...

Mr. Joseph: Yea, we got time for further review by committee. Further meetings.

Ms. Bryant: Yea, I am not asking this as emergency language Mr. Clemens.

Mr. Clemens: I'm glad. This will be nice tonight, no emergencies in my meeting.

Ms. Bryant: No emergency, none from me.

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