



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 Meetings Regular Council Meeting

7232 E. Main St
Reynoldsburg, OH 43068
www.ci.reynoldsburg.oh.us

April Beggerow
614-322-6836

Monday, June 10, 2019

Council Chambers

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 – May 28, 2019

4. NEW LEGISLATION/DISCUSSION ITEMS

- a. ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Repealing/Replacing Chapter 505 Animals and Fowl

5. LEGISLATION FOR SECOND READING

- a. ORDINANCE AUTHORIZING CITY AUDITOR TO REMOVE EQUIPMENT FROM THE CITY'S FIXED ASSET LIST. (First Reading 5/28/2019).
- b. ORDINANCE APPROPRIATING FUNDS FROM APPROPRIATED GENERAL FUND TO AN ACCOUNT IN THE POLICE DEPARTMENT. (First Reading 5/28/2019).

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
May 28, 2019

Chairman Mel Clemens called the meeting to order at 7:41 PM

Call to Order - Roll Call

PRESENT: Clemens, Baker, Bryant, Skinner, Joseph

ABSENT:

Approval of Agenda

Ms. Bryant requested a Discussion of Chapter 505 Animals and Fowl
Agenda stands as amended.

Approval of Minutes

a. Public Safety, Law and Courts Committee – Committee Meeting – May 13, 2019

RESULT:	ACCEPTED
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NEW LEGISLATION/DISCUSSION ITEMS

ORDINANCE AUTHORIZING CITY AUDITOR TO REMOVE EQUIPMENT FROM THE CITY'S FIXED ASSET LIST. --- Clemens. Public Safety, Law and Courts Committee.

Chief Plesich: good evening members of Council. So I have several items here to delete from our assets list. The three largest ones are three vehicles, cruisers 252, 259, and a 2007 F150 pick up truck. And the two cruisers are part of the initiating the rotation plan. To rotate 3 or 4 cruisers out each year and the truck was deemed and assessed as unsafe by the City crew. So those are the main ones, I can go over the other minor ones if anyone would like.

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 5/28/2019 7:35 PM
MOVER:	Mel Clemens, Chairman	
SECONDER:	Kristin Bryant, At-Large Councilmember	
AYES:	Clemens, Baker, Bryant, Skinner	

ORDINANCE APPROPRIATING FUNDS FROM APPROPRIATED GENERAL FUND TO AN ACCOUNT IN THE POLICE DEPARTMENT. --- Clemens. Public Safety, Law and Courts Committee.

Chief Plesich: Thank you, this is a donation of \$100.00 given tot the Police Department and asked that it be donated to the new K9 Unit.

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

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
May 28, 2019

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 5/28/2019 7:35 PM
MOVER:	Mel Clemens, Chairman	
SECONDER:	Caleb Skinner, Ward 1 Councilmember	
AYES:	Clemens, Baker, Bryant, Skinner	

Discussion on Chapter 505 Animals & Fowl

Ms. Bryant: Thank you Councilman Clemens. Back in 2014, the Council had an ad hoc committee do a review of chapter 505 which was the chapter dealing with animals and fowl. There were a number of suggestions that were offered and about 15 months ago as Council, we struck the breed specific language but haven't made any of the other suggested changes that were presented by the ad hoc committee. I believe there were about half a dozen people that participated on that committee, making suggestions. I had the Clerk of Council provide those changes to me late last year and have been looking at it periodically ever since. And there are a number of those changes that make a lot of sense. Some changes that I think are in order to streamline the chapter, there is a lot of redundancies and then there are also some inconsistencies. So I think the proposed changes that have been submitted to the Council members makes it a lot, a lot more fluid, you know that way you don't have to look in multiple sections to find an answer for something. Its all contained in one section. I do think that this is something that we should not try to devour at once. There is a lot of information here, some of which is divisive such as the, keeping, to keep or not to keep chickens. Seems to be probably the most divisive of those. But I do think that its time to modernize this chapter and acknowledge the work of the ad hoc committee, its my understanding it was struck down as a whole piece of legislation by a five to one vote, which for those that are not familiar, you either agree with it in its entirety you know or if there is one thing in there that your not in agreement with you have no choice but to vote against it. So I think this is something we should take small bites at as opposed to trying to pass it as whole and I would like us to start taking a look at that and would like to open it up to some comments from other members of Council.

Mr. Clemens: Thank you. Personally, I have comments but not this evening because I haven't had a chance to look at it.

Ms. Bryant: That's fine.

Mr. Clemens: But I want to thank you for bringing it forward. Are there any members of committee that would like to ask Kristin some questions pertaining to this, this evening? Members or Council? Yes.

Mr. Luzader: Thank you Mr. Clemens. I just have one and Mr. Joseph was here, he was the one that actually, actually offered up the committee, it was on his recommendation. But if I'm not mistaken that was actually voted on like four or five different parts wasn't it? I don't think it was voted on one unit as a whole.

Mr. Joseph: If I recall correctly, I think were a few, we would have to double check but I think there were a few blocked votes and they were all voted the same.

Mr. Luzader: Yea, I would have to go get the minutes too but I was thinking <INAUDIBLE>

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

MINUTES COMMITTEE MEETING
 REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
 May 28, 2019

Mr. Joseph: Yea, if the Clerk could find that before the next meeting so we know exactly how Council dealt with it at the time. That's the way I remember it but obviously it could have been different. And that way we know what was voted on in each of those blocked votes if in fact that's how it was done.

Mr. Clemens: Thank you President, are there any other questions. Yea.

Mr. Spalding: Yea I have a few. Yea, I think that when you say well that the whole document gets voted down, right, well it certainly does if I gets presented as w hole document. There is 24 pages here and you know what its pretty easy to vote this document down with 24 pages. But there pieces that your brought that are very interesting and actually have a pretty high probability of working, if we work on just that. But ill use a piece just right off the first page, that is to me, well two pieces that really disturbing. Everything on that first page has been struck out with anything to do with menacing, and ill use an example. I am walking grandchild in park, a dog comes running up. Now I don't care whether he is a loose dog or on a leash, doesn't matter to me. That dog is snapping and biting and growling. You know what, that's menacing and that's not ok, that is absolutely not ok. But we have struck, there is 3 different places in here, its all gone. It says right here there has to be injury. So I have got to wait for that dog to bite my child before there is something really bad here. No, no that's vicious dog right off the bat and it needs to be discussed. Its just like somebody pulls a gun on me but they have to shoot me before its a bad act. No, no, no please no. Its a bad act the second they pull the gun, its a bad act the second that dog chases after my grandchild. So this menacing piece has to be put back in there. We cannot strip this entire law of menacing as if it doesn't exist, it does exist. And that's where we need to prevent those dogs and identify those dogs before those injuries happen. And one particularly just jumped out at me, way down at the dangerous dog. And I'll read it. Dangerous dog; does not include police dog that caused injury, well that's good right. Well except eww comma, other than killing or serious injury. Whoa. Maybe, that's what the dog is suppose to do, I don't know. But it sounds like, just a second, to any person that has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties. Wow, that almost reads like, wow this dog can be put up for man slaughter. Just a minute, that's what this says. It changed it the second you stopped and said other than killing or serious injury. It changes the whole context of the paragraph. So, these are things that yes they might sound minor and we are really focusing on tethering a dog or chickens but not as far as I'm concerned. Were talking about the whole document, line by line of all the stuff that's been changed, we need to look at it and see does it change the overall document. So we got a lot of work to do on this and I would appreciate, has this gone through our legal services yet, has our attorney seen this yet?

Ms. Bryant: I've submitted it to Mr. Hood as well as to all of you. The reason the police dog section is stricken down in some places, is because its there in other places. That kind of lends itself to the redundancy and the inconsistencies that we have. You know I am not saying that a menacing, you know a menacing dog is basically encompassed by a vicious dog, is basically what were saying here, with some of these changes.

Mr. Spalding: I am just sharing with you, if it was my grandchild this would be a serious issue.

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

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
May 28, 2019

Ms. Bryant: Well, again its addressed just using a different word.

Mr. Clemens: Thank you Mr. Spalding. I think this, like you say, this is something that has to be studied and looked in to. So would you wan to put it on for the next committee meeting and being it or...

Ms. Bryant: I would like to bring it back next time as another discussion item so that all of the Council members have some additional time to digest the suggested changes, you know I have some thoughts of my own on some additional changes just in having some conversations with various people. You know, since I have put this out there to the members. There is, I am trying to remember specifically, but you know one example would be the, you know I don't want to harp on chickens because honestly I have no, you know, no particular desire for or against them other than the fact that there does seem to be quite a number of people that have contacted the City to inquire and there appears to be interest. But there's been a lot of extra restrictions that were placed in here aside from just the original ad hoc committee suggestion. One of those suggestions that has, has been brought to me was that we put in a restriction on any eggs produced by a chicken are for personal use as opposed to you know, you cannot sell them. You now there is some other ordinances I have looked at that I brought in, the section on the Police Animals. I believe that was the Worthington ordinance that brought in a lot of that wording. So, I just, I wanted to I think most of you I have told in the last 3 or 4 months I wanted to bring this back around. This is what I had come up with in term of suggested changes a long with the ad hoc committee changes and you know, this is not anything in my mind should be etched in stone. I just want to open the door to discussion and have you, the rest of you have an opportunity to read through this a little more thoroughly and discuss it some more. Because it is a big piece of legislation.

Mr. Clemens: And I agree that it should be looked at item by item really. Because I am not going to pay somebody to count eggs, I can tell you that right now. Those days are gone. I do think we should look into it, take our time and go through it and see what we want to keep and what we want to get rid of.

Ms. Bryant: And specifically you know one of the concerns in wanting to bring this legislation back around again is since the breed specific language was eliminated, I do think we need to take a look at having an animal warden. You know we do have a contract with the Licking County Humane Society to deal with the Licking County portion of town but you know the Franklin County is probably a little overwhelmed to come out and deal with things that we may need, you know for instance we seem to have a flock of sheep that like to escape from time to time on an increasingly regular basis. So I felt that it was time for us to look at this again.

Mr. Clemens: We have had that of course before and I didn't pan out. Whether is was because of how we handled it or how the person handled it I cant say. Its something worth looking in to. Are there any other questions? If not, I want to thank you and we will put it on the agenda for next week.

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

DATE: June 10, 2019**TO: Public Safety, Law and Courts Committee****RE: ORDINANCE TO AMEND THE CODE OF ORDINANCES OF
THE CITY OF REYNOLDSBURG, OHIO: Repealing/Replacing
Chapter 505 Animals and Fowl**

Approval:

Skipped Brad McCloud	Skipped Jed Hood	Stephen Cicak
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CHAPTER 505 – ANIMALS AND FOWL

505.01 Definitions.

505.02 Permitted animals.

505.03 Animals running at large.

505.04 Tethering animals.

505.05 Impounding and disposition; records.

505.07 Annual registration of dogs; tags required.

505.08 Keeping or training animals for fighting.

505.09 Abandoned animals.

505.11 Killing or injuring animals.

505.13 Poisoning animals.

505.15 Cruelty to animals.; ~~cruelty to companion animals.~~

505.17 Nuisance conditions prohibited.

505.19 Barking or howling dog or other animal.

505.21 Health risk animals.

505.23 Animal bites; reports and quarantine.

505.25 Hunting prohibited.

505.27 Coloring rabbits or baby poultry; sale or display of poultry.

505.29 Riding animal on sidewalk prohibited.

505.31 Marketing wild or exotic animals.

505.33 Keeping wild or exotic animals.

505.35 Control and harboring of vicious or dangerous dogs and other vicious or dangerous animals.

505.37 Dangerous dogs and other animals; permit required; fee; impounding.

~~505.39 Report of escape of exotic or dangerous animal.~~

505.40 Interference With Police Dog Or Horse Or An Assistance Dog

505.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Owner or keeper liable for damages - see Ohio R.C. 951.10

Dog registration - see Ohio R.C. 955.01

Animal Control Officer - see ADM. 149.01

Discharging firearms prohibited - see GEN. OFF. 549.08

505.01 DEFINITIONS.

As used in this chapter certain words are defined as follows, unless the context otherwise requires:

(a) "Animal" means any live, vertebrate creature, domestic or wild.

(b) "Dangerous dog or other dangerous animal" means a dog or other animal ~~that, without provocation, and subject to division (b)(4) of this Section, has done any~~ or other animal ~~that meets any of the~~ following:

1. ~~A dog or other animal, that without provocation and subject to subsection (m)(2) below, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, or causes physical harm to property as defined by section 501.01(n) or serious physical harm to property as defined by section 501.01(z), while that dog or other animal is off the premises of its owner, keeper or harborer and not under the reasonable control of its owner, keeper, harborer or some other reasonable person, or not physically restrained or confined in a locked pen which has a top or other locked enclosure which has a top.~~ **Caused injury, other than killing or serious injury, to any person;**

2. ~~A dog or other animal that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical harm or death to one or more persons, domestic animals or farm animals.~~ **Killed another dog;**

3. "Dangerous Dog" does not include either of the following: **Been the subject of a third or subsequent violation of Section 505.03.**

A. ~~A police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.~~

B. ~~A dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harborer of the dog.~~

4. **"Dangerous Dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police**

dog is being used to assist one or more law enforcement officers in the performance of their official duties.

(c) "Domesticated animal" means any animal that is typically found in residential dwellings and is not typically disruptive to the residential character of an area. This definition would include, by way of example and not by way of exclusion, such animals as domesticated dogs, cats, gerbils, hamsters, turtles, parrot-like birds, non-poisonous fish, non-poisonous reptiles, and non-poisonous snakes under five feet in length, hedge hogs, and ferrets.. This definition does not include a "dangerous wild animal," "hybrid," or "exotic animal" as defined herein.

(d) ~~"Exotic Animal" means any animal which is foreign and generally not native by birth to the local community.~~ shall have the same meaning as "dangerous wild animal" as defined in Section 935.01(C) of the Ohio Revised Code.

(e) ~~"Farm animal" means, but is not limited to, cattle, sheep, goats, poultry or fowl, swine, horses, or mules.~~

~~(f)~~(e) "Hybrid" means the cross breeding of two or more species of animals that would not normally be bred together, including but not limited to, wolf-dog, coyote-dog, ocelot-house cat.

(g) ~~"Menacing fashion" means that a dog or other animal would cause any person being chased or approached to reasonably believe that the dog or other animal will cause physical injury to that person.~~

(h)(f) "Own, keep or harbor" means to have legal title, ~~to or~~ custody or control over any dangerous animal. ~~or wild animal in the city, except as otherwise provided in Section 505.33.~~

~~(i)~~(g) "Owner" means any person, firm, association, or corporation owning or having a proprietary interest in ~~or possession, custody, or charge of a work~~ an animal.

(j)(h) "Person" means any natural person, association, partnership, organization, or corporation.

(k)(i) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(l)(j) "Serious ~~injury physical harm~~" means ~~serious physical harm as defined in section 501.01(y) and section 501.01(z).~~ any of the following:

(1) Any physical harm that carries a substantial risk of death;

(2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;

(3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

(4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

~~(m) "Vicious dog or other vicious animal" means a dog or other animal meets any of the following:~~

- ~~1. Without provocation, has killed or caused serious injury to any person;~~
- ~~2. Without provocation, has caused injury, other than killing or serious injury, to any person, or has killed another dog or other animal;~~
- ~~— 3. A dog or animal that has been trained for dog/animal fighting, or bred, or abused, or is kept primarily or in part for the purpose of dog/animal fighting.~~
- ~~— 4. Any dog or animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.~~

(k) "Vicious dog or other vicious animal" means a dog or other animal that meets any of the following:

1. Without provocation and subject to division (m)(1) of this section, has killed or caused serious injury to any person.
2. A dog or animal that has been training for dog/animal fighting and/or kept, in part, for the purpose of dog or animal fighting.
3. "Vicious dog" does not include either of the following:
 - A. A police dog that has killed or caused serious injury to any person ~~or that has caused injury, other than killing or serious injury, to any person~~ while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;
 - B. A dog that has killed or caused serious injury to any person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

~~(n)~~(l) "Wild Animal" means any non-domesticated animal which generally lives in its original natural state, and is not normally domesticated, and/or falls under the jurisdiction of the Ohio Department of Natural Resources.

~~(e)~~(m) "Without provocation" means that a dog or other animal was not teased, tormented or abused by a person, or that the dog or other animal was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog or other animal as a means of carrying out such activity.

(Ord. 76-96. Passed 6-10-96; Ord. 77-01. Passed 6-25-01; Ord. 72-03. Passed 9-8-03; Ord. 25-18. Passed 2-26-18.)

505.02 PERMITTED ANIMALS.

- (a) Notwithstanding other provisions of the Reynoldsburg Code of Ordinances, domesticated animals may be possessed and cared for in the City, provided that an animal does not become excessively noisy, excessively odorous, dangerous or in any way disruptive to the character of the area in which it is possessed or otherwise become a public nuisance.
- (b) Chickens. This ordinance shall permit the keeping of chickens in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.
- (c) Permit required. In addition to any requirements set forth herein, the owner, keeper or harbinger of chickens shall be required to obtain a permit to own, keep or harbor chickens from the City of Reynoldsburg. The permit shall be issued at no cost. In addition, any person owning chickens shall also be required to obtain any necessary building and/or zoning permits.
- (d) The keeping of chickens and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations in Residential Districts:
 1. Number. No more than six (6) chickens shall be kept on a parcel of land.
 2. Setbacks. The coops, cages, or runs housing such chickens may only be located on the buildable area of the parcel and not be located in front yard or side yard areas.
 3. Prohibitions. No roosters may be kept in a Residential District.
 4. Coops and Cages. All chickens shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free

movement of the animals exclusive of areas used for storage of materials or vehicles.

- a. The total area of all coops or cages shall be a minimum of 3-square feet per chicken.
 - b. The sizes of the coops and cages may not exceed any applicable building and/or zoning restrictions.
5. Enclosures and Fences. Chickens shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators. The sizes of any enclosure may not exceed any applicable building and/or zoning restrictions.
 6. Feed Storage. Chicken feed must be kept in a rodent and predator proof container.

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.

(c) No owner of any dog, shall permit the animal to enter upon any property not that 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.~~

(d) 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 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.

(e) 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 or 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.)

505.04 TETHERING ANIMALS.

(a) No person shall tether an animal in any of the following circumstances:

1. For more than six (6) hours total in a twenty-four (24) hour period and not more than two (2) unsupervised consecutive hours with no less than a one (1) hour period between tetherings;
2. Between the hours of 10:00 p.m. and 6:00 a.m. other than short, not to exceed 15 minutes, periods for the animal to relieve itself;
3. When a heat or cold advisory has been issued by a local or state authority or the National Weather Service;
4. When a severe weather warning has been issued by a local or state authority or the National Weather Service;
5. When the tether is less than ten (10) feet in length;
6. When the tether allows the animal to come within ten (10) feet of a sidewalk or property line;
7. When the tether is attached by means of a pinch-type, prong-type, of choke-type collar or if the collar is unsafe or is not properly fitted;
8. When the tether may cause injury or entanglement;

9. When the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;

10. When no owner or occupant is present at the premises;

11. In the front or side yard of a property.

(b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(c) 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 or 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.

505.05 IMPOUNDING AND DISPOSITION; RECORDS.

(a) 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.

(b) 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.)

505.07 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person within the Municipality shall own, keep or harbor a dog more than three months of age without annually registering the dog with the County Auditor. Any dog without a valid registration tag attached to said dog shall be subject to impoundment and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor.

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

505.09 ABANDONED ANIMALS.

(a) No owner or keeper of a dog, cat, or other domestic animal shall abandon the animal.

(ORC 959.01)

~~—(b) (1) When, in order to protect any animal from neglect, it is necessary to take possession of it, any person may do so. When an animal is impounded or confined, and continues without necessary food, water, or proper attention for more than 15 successive hours, any person may, as often as is necessary, enter any place in which the animal is impounded or confined and supply it with necessary food, water, and attention, so long as it remains there, or, if necessary, or convenient, he may remove such animal; and he shall not be liable to an action for such entry. In all cases the owner or custodian of such animal, if known to such person, immediately shall be notified by him of such action. If the owner or custodian is unknown to such person, and cannot with reasonable effort be ascertained by him, such animal shall be considered an estray and dealt with as such.~~

~~—(2) The necessary expenses for food and attention given to an animal under this division may be collected from the owner of such animal, and the animal shall not be exempt from levy and sale upon execution issued upon a judgment for such expenses.~~

~~(ORC 1717.13)~~

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

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

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. ~~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) It shall be an affirmative defense if an individual commits a violation of this section in self-defense or defense of another from serious bodily harm. The burden of proof when such an affirmative defense is asserted shall be consistent with Ohio Revised Code Section 2901.05.

(c) 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.~~

(d) Anyone convicted under this section of willfully or maliciously causing the death a domesticated animal shall receive a minimum sixty (60) days in jail.

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

(2) Commit an act of cruelty against an animal. "Cruelty" includes every act, omission, or neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief;

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

~~(3)~~ (4) Carry or convey an animal in a cruel or inhumane manner;

(b) No owner, keeper, or harbor of a domesticated animal shall deprive said 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;

~~—(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.~~

(c) Whoever violates subsection (a) this section is guilty of a misdemeanor of the first degree. Whoever violates subsection (b) of this section shall be guilty of a misdemeanor of the second 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))~~

505.17 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, 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.

(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.)

505.19 BARKING OR HOWLING DOG OR OTHER ANIMAL.

(a) No person shall own, harbor or keep in custody a dog which creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the city, to be detrimental to the life and health of any individual, or is likely to cause inconvenience or annoyance to persons of ordinary sensibilities. It shall be prima facie evidence that such noises as barking, yelping, and howling are unreasonably loud and disturbing if the noise is audible more than fifty (50) feet outside the property line of the owner and is continuous for 15 or more minutes. ~~disturbs the peace by barking, yelping, howling or making other loud noises to the annoyance and/or discomfort of any person. Continuous barking, yelping, howling and/or making other loud noises for 15 consecutive minutes by such dog, whether confined inside a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner, and provided that the dog was not being teased or provoked in any manner.~~

~~(b) Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure owned or occupied by such person shall be considered as harboring or keeping such dog.~~

~~(c) Upon an initial complaint, an enforcement officer shall warn the person in writing of the violation. Upon a second such complaint within 30 days, the enforcement officer shall charge the person with a violation of this section.~~

~~(d)~~ (b) Division (a) of this section does not apply to owners, operators or employees of licensed veterinary hospitals, licensed kennels, or licensed animal boarding establishments, nor does this section apply to blind, deaf or hearing impaired, or mobility impaired persons when the dog serves as an assistance dog.

~~(a)~~ (c) 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 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 of the third degree.

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

505.21 HEALTH RISK ANIMALS.

(a) No person shall willfully own, keep, feed, or harbor any dangerous or wild animal within city limits which could constitute a health risk to humans or domesticated animals. These "health risk animals" include, but are not limited to, rodents, raccoons, opossum, skunks, coyotes, wolves, bats, groundhogs, or any other animal capable of passing harmful viruses, fungi, or bacteria such as, but not limited to, rabies, tuberculosis, and encephalitis. Squirrels and wild birds shall be an exception to this section.

(b) Squirrels and wild birds may be fed within city limits providing reasonable efforts are made to avoid access to the feed by other animals covered within (a) of this section.

(c) Whoever violates this section is guilty of a minor misdemeanor.

(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, 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 harbinger to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harbinger'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 symptom or behavior suggestive of rabies.

(b) No owner, keeper, or harbinger 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 harbinger 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 or the City Police Department or the County Board of Health.

(d) Whoever violates divisions (a) or (b) is guilty of a minor misdemeanor. Whoever violates division (c) is guilty of a misdemeanor of the fourth degree.

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

505.25 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor.

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

505.27 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person within the Municipality shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person within the Municipality shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(b) Whoever violates this section is guilty of a minor misdemeanor.

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

505.29 RIDING ANIMAL ON SIDEWALK PROHIBITED.

(a) No person shall ride any horse, colt, pony or other animal upon any sidewalk within the Municipality.

(b) No parent or guardian or person having the care, custody or control of a minor child shall knowingly allow the child to ride a horse, colt, pony or other animal upon any sidewalk within in the Municipality.

(c) Whoever violates this section is guilty of a minor misdemeanor.

(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 of 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 of 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.)

505.35 CONTROL AND HARBORING OF VICIOUS OR DANGEROUS DOGS AND OTHER VICIOUS OR DANGEROUS ANIMALS.

(a) No person shall own, keep, or harbor any vicious dog or other vicious animal, as defined in section 505.01(m) within the municipality.

(b) Whoever violates this section is guilty of a misdemeanor of the second degree, on each subsequent offense is guilty of a misdemeanor of the first degree and the vicious dog or other vicious animal shall be seized, impounded; and humanely destroyed.

(Ord. 76-96. Passed 6-10-96; Ord. 131-2000. Passed 11-27-00; Ord. 72-03. Passed 9-8-03.)

505.37 DANGEROUS DOGS AND OTHER ANIMALS; PERMIT REQUIRED; FEE; IMPOUNDING.

(a) In addition to registration of a dog as required by Section 505.07 and Ohio R.C. Sections 955.03 and 955.09, the owner, keeper or harbinger of a dangerous dog or other dangerous animal as defined in 505.01(b) shall pay a permit fee to own, keep or harbor a dangerous dog to the City of Reynoldsburg and obtain the permit from the Chief of Police at a cost fifty dollars (\$50.00) for such permit in addition to the payment of any fee for registration of the dog as required by the Ohio Revised Code and these Codified Ordinances.

(1) The owner, keeper, or harbinger of such dangerous dog or dangerous animal shall pay for the permit at the Reynoldsburg City Auditor's Office and receive a receipt. The receipt shall be presented to the Chief of Police in order to obtain a permit.

(b) (1) The permit to own, keep or harbor a dangerous dog or dangerous animal shall be valid only during the calendar year in which the permit is issued, and during the first twenty days of the following calendar year.

(2) The permit fee for any dangerous dog or other dangerous animal is fifty dollars (\$50.00) if purchased prior to July 1st of any calendar year. If the permit is purchased on or after July 1st of any calendar year, the permit fee is twenty-five dollars (\$25.00).

(c) No owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in section 505.01(b), shall fail to publicly display a sign on the premises where the dangerous dog or other dangerous animal is kept or harbored that notifies the public of the presence of a dangerous dog or other dangerous animal on the property of the owner, keeper or harbinger. The owner, keeper or harbinger of the dog shall provide such sign which shall contain, in lettering that is at least two inches in height, the statement "caution, beware of dangerous dog or other dangerous animal" or other statement that provides reasonable notice of the presence of a dangerous dog or other dangerous animal on the premises.

(d) No person shall own, keep, or harbor any dangerous dog or other dangerous animal, as defined in section 505.01 (b) without registering and obtaining a permit as required in divisions (a) and (b) of this section for such dangerous dog or other dangerous animal.

(e) Any owner, keeper or harbinger of any dangerous dog or other dangerous animal, as defined in division 505.01(b), shall provide satisfactory evidence of the fact

~~that the dangerous dog has been neutered or spayed. Whoever violates division (c) or (d) of this section is guilty of a misdemeanor of the third degree and the animal control officer shall seize and impound the dangerous dog or other dangerous animal in the municipality that is not properly confined or restrained, pursuant to Ohio R.C. 955.22(A) to (D), until such time as the owner, keeper or harbinger of the dangerous dog or other dangerous animal demonstrates compliance with Ohio R.C. 955.22(A) to (D). If the owner does not comply with the provisions of Ohio R.C. 955.22(A) to (D) within three (3) days of such seizure, then the dangerous dog or other dangerous animal shall be humanely destroyed.~~

(f) ~~Any~~ **Any** No owner, keeper, or harbinger of a dangerous dog or other dangerous animal, as defined in division 505.01(b), shall **provide satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.** ~~refuse to permit the routine inspection of such dangerous dog or other dangerous animal on the premises of the same by the animal control officer, police officer, or other person authorized by the mayor or police chief, county board of health or an employee or agent thereof, to insure compliance with the divisions contained herein or any provision of the Ohio revised code, nor conceal such dangerous dog or other dangerous animal from the animal control officer, police officer or other person authorized by the mayor or police chief, or county board of health, or an employee or agent thereof, attempting to accomplish such inspection.~~

(g) ~~No owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in division 505.01(b) shall fail to report to the city animal control officer or a police officer the theft or loss of a dangerous dog or other dangerous animal within five hours of the discovery of the theft or loss. Whoever violates division (c), (d), (e) or (f) of this section is guilty of a misdemeanor of the third degree and the animal control officer shall seize and impound the dangerous dog or other dangerous animal in the municipality that is not properly confined or restrained, pursuant to Ohio R.C. 955.22(A) to (D), until such time as the owner, keeper or harbinger of the dangerous dog or other dangerous animal demonstrates compliance with Ohio R.C. 955.22(A) to (D). If the owner does not comply with the provisions of Ohio R.C. 955.22(A) to (D) within three (3) days of such seizure, then the dangerous dog or other dangerous animal shall be humanely destroyed.~~

(h) ~~Whoever violates divisions (f) or (g) is guilty of a misdemeanor of the fourth degree.~~ **No owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in division 505.01(b) shall fail to report to the city animal control officer or a police officer the theft or loss of a dangerous dog or other dangerous animal within five hours of the discovery of the theft or loss.**

(i) **Whoever violates division (h) is guilty of a misdemeanor of the fourth degree.**

~~(Ord. 76-96. Passed 6-10-96; Ord. 77-01. Passed 6-25-01; 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.)~~

505.40 INTERFERENCE WITH POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

(a) No person shall recklessly do any of the following with respect to police dog or horse:

1. Taunt, torment, or strike a police dog or horse;
2. Throw an object or substance at a police dog or horse;
3. Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:
 - A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;
 - B. Deprives the law enforcement officer of control of the police dog or horse;
 - C. Releases the police dog or horse from its area of control;
 - D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;

- E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.
- (b) No person shall recklessly do any of the following with respect to an assistance dog:
 - 1. Taunt, torment, or strike an assistance dog;
 - 2. Throw an object or substance at an assistance dog;
 - 3. Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:
 - A. Inhibits or restricts the assisted or served person's control of the dog;
 - B. Deprives the assisted or served person of control of the dog;
 - C. Releases the dog from its area of control;
 - D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the dog to assist the assisted or served person.
- (c) Whoever violates subsection (a) hereof is guilty of harassing a police dog or horse. Except as otherwise provided in this subsection, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse or if the violation results in serious physical harm to the police dog or horse but does not result in its death, harassing a police dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.
- (d) Whoever violates subsection (b) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an

assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.

- (e) This section only applies to an offender who knows or should reasonably know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.
- (f) As used in this section:
 - 1. "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.
 - 2. "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.

505.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

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

CHAPTER 505 Animals and Fowl

[505.01](#) Definitions.

[505.02](#) Permitted animals

[505.03](#) Animals running at large.

[505.04](#) Tethering animals.

[505.05](#) Impounding and disposition; records.

[505.07](#) Annual registration of dogs; tags required.

[505.08](#) Keeping or training animals for fighting.

[505.09](#) Abandoned animals.

[505.11](#) Killing or injuring animals.

[505.13](#) **Chickens**

~~[505.13](#) Poisoning animals.~~

~~[505.15](#) Cruelty to animals; ~~cruelty to companion animals.~~~~

[505.17](#) Nuisance conditions prohibited.

[505.19](#) Barking or howling dog or other animal.

~~[505.21](#) Health risk animals.~~

[505.23](#) Animal bites; reports and quarantine.

[505.25](#) Hunting prohibited.

[505.27](#) Coloring rabbits or baby poultry; sale or display of poultry.

~~[505.29](#) Riding animal on sidewalk prohibited.~~

~~[505.31](#) Marketing wild or exotic animals.~~

[505.33](#) Keeping wild or exotic animals.

[505.35](#) Control and harboring of vicious or dangerous dogs and other vicious or dangerous animals.

[505.37](#) Dangerous dogs and other animals; permit required; fee; impounding.

~~[505.39](#) Report of escape of exotic or dangerous animal.~~

[505.99](#) Penalty.

505.01 DEFINITIONS.

As used in this chapter certain words are defined as follows, unless the context otherwise requires:

(a) "Animal" means any live, vertebrate creature, domestic or wild.

(b) "Dangerous dog ~~or other dangerous animal~~" means a dog that, **without provocation, and subject to division (b)(4) of this Section, has done any of the following:** ~~or other animal that meets any of following:~~

1. Caused injury, other than killing or serious injury, to any person;

~~A dog or other animal, that without provocation and subject to subsection (m)(2) below, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, or causes physical harm to property as defined by section [501.01](#)(n) or serious physical harm to property as defined by section [501.01](#)(z), while that dog or other animal is off the premises of its owner, keeper or harbinger and not under the reasonable control of its owner, keeper, harbinger or~~

~~some other reasonable person, or not physically restrained or confined in a locked pen which has a top or other locked enclosure which has a top.~~

2. Killed another dog;

~~A dog or other animal that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical harm or death to one or more persons, domestic animals or farm animals.~~

3. Been the subject of a third or subsequent violation of Section 505.03.

4. "Dangerous Dog" does not include a police dog that has caused injury, other than killing or serious injury, to any person or has killed another dog while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties. ~~either of the following:~~

~~A. A police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.~~

~~B. A dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.~~

(c) "Domesticated" means any animal which is accepted by the general public as tameable and bred as a tamed animal for the purposes of man. These include, but are not limited to, dogs, house cats, gerbils, and guinea pigs.

(d) "Exotic Animal" **shall have the same meaning as "dangerous wild animal" as defined in Chapter 935 of the Ohio Revised Code.** ~~means any animal which is foreign and generally not native by birth to the local community.~~

~~(e) "Farm animal" means, but is not limited to, cattle, sheep, goats, poultry or fowl, swine, horses, or mules.~~

(e) ~~(f)~~ "Hybrid" means the cross breeding of two or more species of animals that would not normally be bred together, including but not limited to, wolf-dog, coyote-dog, ocelot-house cat.

~~(g) "Menacing fashion" means that a dog or other animal would cause any person being chased or approached to reasonably believe that the dog or other animal will cause physical injury to that person.~~

(f) ~~(h)~~ "Own, keep or harbor" means to have legal title, ~~to or~~ custody or control over any dangerous animal or wild animal in the city, except as otherwise provided in Section ~~505.33.~~

(g) (i) "Owner" means any person, firm, association, or corporation owning or having a proprietary interest in ~~or possession, custody, or charge of an~~ work animal.

(h) (i) "Person" means any natural person, association, partnership, organization, or corporation.

(i) (i) "Police dog" means a dog that has been trained, and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(j) (i) "Serious injury ~~physical harm~~" means any of the following:

(1) Any physical harm that carries a substantial risk of death;

(2) Any physical harm that involves a permanent incapacity, whether partial or total, or a temporary, substantial incapacity;

(3) Any physical harm that involves a permanent disfigurement or a temporary, serious disfigurement;

(4) Any physical harm that involves acute pain of a duration that results in substantial suffering or any degree of prolonged or intractable pain.

~~serious physical harm as defined in section [501.01\(y\)](#) and section [501.01\(z\)](#).~~

(k) (m) "Vicious dog ~~or other vicious animal~~" means a dog that, without provocation and subject to division (m)(1) of this section, has killed or caused serious injury to any person.
~~or other animal that meets any of the following:~~

~~1. Without provocation, has killed or caused serious injury to any person;~~

~~2. Without provocation, has caused injury, other than killing or serious injury, to any person, or has killed another dog or other animal;~~

~~3. A dog or animal that has been trained for dog/animal fighting, or bred, or abused, or is kept primarily or in part for the purpose of dog/animal fighting;~~

~~4. Any dog or animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;~~

~~5. Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping or harboring of such a dog, commonly known as a pit bull dog, shall be prima facie evidence of the ownership, keeping or harboring of a vicious dog or other vicious animal.~~

1. 6. "Vicious dog" does not include either of the following:

A. A police dog that has killed or caused serious injury to any person ~~or that has caused injury, other than killing or serious injury, to any person~~ while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties;

B. A dog that has killed or caused serious injury to any person while that person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

(l) ~~(n)~~ "Wild Animal" means any non-domesticated animal which generally lives in its original natural state, and is not normally domesticated, and/or falls under the jurisdiction of the Ohio Department of Natural Resources.

(m) ~~(o)~~ "Without provocation" means that a dog or other animal was not teased, tormented or abused by a person, or that the dog or other animal was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog or other animal as a means of carrying out such activity.

505.02 PERMITTED ANIMALS.

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, and ferrets.

505.03 ANIMALS RUNNING AT LARGE.

(a) No person being the owner, as defined in Section **505.01(g)** ~~501.01(k)~~, 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) 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.~~

(b) ~~(e)~~ 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.

(c) ~~(d)~~ No owner of any dog, shall permit the animal to enter upon any property not that of the 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 in not initiated by another animal or person.**

(d) ~~(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 shall be used only in the rear yard and shall not allow the animal to move closer than fifteen (15) feet from the sidewalk or property line.

(e) 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, 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.**

505.04 TETHERING ANIMALS.

(a) No person shall tether an animal in any of the following circumstances:

(1) For more than six (6) hours total in a twenty-four (24) hour period and not more than two (2) unsupervised consecutive hours with no less than a one (1) hour period between tetherings;

(2) Between the hours of 10:00 p.m. and 6:00 a.m. other than short, not to exceed 15 minutes, periods for the animal to relieve itself;

(3) When a heat or cold advisory has been issued by a local or state authority or the National Weather Service;

(4) When a severe weather warning has been issued by a local or state authority or the National Weather Service;

(5) When the tether is less than twenty (20) feet in length;

(6) When the tether allows the animal to come within fifteen (15) feet of a sidewalk or property line;

(7) When the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted;

(8) When the tether may cause injury or entanglement;

(9) When the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;

(10) When no owner or occupant is present at the premises.

(11) In the front or side yard of a property.

(b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(c) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

505.05 IMPOUNDING AND DISPOSITION; RECORDS.

(a) 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.

(b) 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.**

(3) If the dog is wearing a valid registration tag or the identity of the owner, keeper, or harborer is otherwise established, notice shall immediately be given to such owner, keeper, or harborer 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 harborer.

(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.

(c) Trap-Neuter-Return (TNR) is hereby permitted within the City.

505.07 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person within the Municipality shall own, keep or harbor a dog more than three months of age without annually registering the dog with the County Auditor. Any dog without a valid registration tag attached to said dog shall be subject to impoundment and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor.

505.08 KEEPING OR TRAINING ANIMALS FOR FIGHTING.

No person shall keep, harbor or own any animal for the purpose of fighting, or train any animal for the purpose of causing or encouraging such animal to make unprovoked attacks, cause injury or otherwise threaten the safety of human beings or domestic animals.

505.09 ABANDONED ANIMALS.

(a) No owner or keeper of a dog, cat, or other domestic animal shall abandon the animal.

~~(b) (1) When, in order to protect any animal from neglect, it is necessary to take possession of it, any person may do so. When an animal is impounded or confined, and continues without necessary food, water, or proper attention for more than 15 successive hours, any person may, as often as is necessary, enter any place in which the animal is impounded or confined and supply it with necessary food, water, and attention, so long as it remains there, or, if necessary, or convenient, he may remove such animal; and he shall not be liable to an action for such entry. In all cases the owner or custodian of such animal, if known to such person, immediately shall be notified by him of such action. If the owner or custodian is unknown to such person, and cannot with reasonable effort be ascertained by him, such animal shall be considered an estray and dealt with as such.~~

~~(2) The necessary expenses for food and attention given to an animal under this division may be collected from the owner of such animal, and the animal shall not be exempt from levy and sale upon execution issued upon a judgment for such expenses.~~

(b) (e) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

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 ~~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.

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

505.13 CHICKENS.

(a) Purpose. The regulations of this section are established to permit the keeping of chickens in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

(b) The keeping of chickens and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations.

(1) In Residential Districts. In Residential Districts, the following regulations shall apply:

A. Number. No more than six (6) chickens shall be kept on a parcel of land.

B. Setbacks. The coops, cages, or runs housing such chickens may only be located on the buildable area of the parcel and not be located in front yard or side yard areas.

C. Prohibitions. No roosters may be kept in a Residential District.

D. Coops and Cages. All chickens shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages shall meet the minimum standards set forth by applicable ASPCA or farmers association guidelines. The sizes of the coops and cages may not exceed any applicable building and/or zoning restrictions.

E. Enclosures and Fences. Chickens shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators. The size of any enclosure shall meet the minimum standards set forth by applicable ASPCA or farmers association guidelines. The sizes of any enclosure may not exceed any applicable building and/or zoning restrictions.

F. Feed Storage. Chicken feed must be kept in a rodent and predator proof container.

(c) Permit required. In addition to any requirements set forth herein, the owner, keeper or harbinger of chickens shall be required to obtain a permit to own, keep or harbor chickens from the City of Reynoldsburg. The permit shall be issued at no cost. In addition, any person owning chickens shall also be required to obtain all necessary building and/or zoning permits.

~~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.~~

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

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

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

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

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

~~(d) 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.~~

~~(d) Cruelty to companion animals.~~

~~(1) As used in this section:~~

~~A. “Companion animal” means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. “Companion animal” does not include livestock or any wild animal.~~

~~B. "Cruelty," "torment," and "torture" have the same meanings as in Ohio R.C. 1717.01.~~

~~C. "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.~~

~~D. "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.~~

~~E. "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.~~

~~F. "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 who confines or who is the custodian or caretaker of a companion animal shall negligently 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, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or 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 deprivation, confinement, or impoundment or confinement in any of those specified manners.~~

~~(4) Divisions (d)(2) and (d)(3) 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.~~

~~(5) 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 (c) 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 to provide the training that is required for humane agents under Ohio R.C. 1717.06.~~

~~(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 misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.~~

~~(3) 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.~~

~~(4) 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.~~

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, 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.

(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.

505.19 BARKING OR HOWLING DOG OR OTHER ANIMAL.

(a) No person shall own, harbor or keep in custody a dog which ~~disturbs the peace by barking, yelping, howling or making other loud noises to the annoyance and/or discomfort of any person.~~ **creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the city, to be detrimental to the life and health of any individual, or is likely to cause inconvenience or annoyance to persons of ordinary sensibilities.** ~~Continuous barking, yelping, howling and/or making other~~

~~loud noises for 15 consecutive minutes by such dog, whether confined inside a residence or building or to the outside area, shall be deemed to have disturbed the peace and to have caused the annoyance and discomfort of persons; provided, that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner, and provided that the dog was not being teased or provoked in any manner.~~

~~(b) Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure owned or occupied by such person shall be considered as harboring or keeping such dog.~~

~~(c) Upon an initial complaint, an enforcement officer shall warn the person in writing of the violation. Upon a second such complaint within 30 days, the enforcement officer shall charge the person with a violation of this section.~~

~~(b) (d)~~ Division (a) of this section does not apply to owners, operators or employees of licensed veterinary hospitals, licensed kennels, or licensed animal boarding establishments, nor does this section apply to blind, deaf or hearing impaired, or mobility impaired persons when the dog serves as an assistance dog.

~~(c) (e)~~ 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, 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.**

~~505.21 HEALTH RISK ANIMALS.~~

~~(a) No person shall willfully own, keep, feed, or harbor any dangerous or wild animal within city limits which could constitute a health risk to humans or domesticated animals. These "health risk animals" include, but are not limited to, rodents, raccoons, opossum, skunks, coyotes, wolves, bats, groundhogs, or any other animal capable of passing harmful viruses, fungi, or bacteria such as, but not limited to, rabies, tuberculosis, and encephalitis. Squirrels and wild birds shall be an exception to this section.~~

~~(b) Squirrels and wild birds may be fed within city limits providing reasonable efforts are made to avoid access to the feed by other animals covered within (a) of this section.~~

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

505.23 ANIMAL BITES; REPORTS AND QUARANTINE.

(a) (1) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the 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 symptom or behavior 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 or the City Police Department or the County Board of Health.

(d) Whoever violates divisions (a) or (b) is guilty of a minor misdemeanor. Whoever violates division (c) is guilty of a misdemeanor of the fourth degree.

505.25 HUNTING PROHIBITED.

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor.

505.27 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person within the Municipality shall dye or otherwise color any rabbit or baby poultry, including, but not limited to, chicks and ducklings. No person within the Municipality shall sell, offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks of age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(b) Whoever violates this section is guilty of a minor misdemeanor.

~~505.29 RIDING ANIMAL ON SIDEWALK PROHIBITED.~~

~~(a) No person shall ride any horse, colt, pony or other animal upon any sidewalk within the Municipality.~~

~~(b) No parent or guardian or person having the care, custody or control of a minor child shall knowingly allow the child to ride a horse, colt, pony or other animal upon any sidewalk within in the Municipality.~~

~~(c) Whoever violates this section is guilty of a minor misdemeanor.~~

~~505.31 MARKETING WILD OR EXOTIC ANIMALS.~~

~~(a) No person shall market in any form wholesale or retail, 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 of the second degree. Each day such section is violated shall constitute a separate offense.~~

~~Need to Review for Consistency with State Law.~~

505.33 KEEPING WILD OR EXOTIC ANIMALS.

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

~~(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.~~

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

505.35 CONTROL AND HARBORING OF VICIOUS OR DANGEROUS DOGS AND OTHER VICIOUS OR DANGEROUS ANIMALS.

(a) No person shall own, keep, or harbor any vicious dog or other vicious animal, as defined in section 505.01 **(k)** ~~(m)~~ within the municipality.

(b) Whoever violates this section is guilty of a misdemeanor of the second degree, on each subsequent offense is guilty of a misdemeanor of the first degree and the vicious dog or other vicious animal shall be seized, impounded; and humanely destroyed.

505.37 DANGEROUS DOGS AND OTHER ANIMALS; PERMIT REQUIRED; FEE; IMPOUNDING.

(a) In addition to registration of a dog as required by Section 505.07 and Ohio R.C. Sections 955.03 and 955.09, the owner, keeper or harbinger of a dangerous dog or other dangerous animal as defined in 505.01(b) shall pay a permit fee to own, keep or harbor a dangerous dog to the City of Reynoldsburg ~~and obtain the permit from the Chief of Police~~ at a cost set in the City's fee schedule ~~of thirty dollars (\$30.00)~~ for such permit in addition to the payment of any fee for registration of the dog as required by the Ohio Revised Code and these Codified Ordinances.

(1) The owner, keeper, or harbinger of such dangerous dog or dangerous animal shall pay for the permit at the Reynoldsburg City Auditor's Office and receive a receipt. The receipt shall be presented to the Chief of Police in order to obtain a permit.

(b) (1) The permit to own, keep or harbor a dangerous dog or dangerous animal shall be valid only during the calendar year in which the permit is issued, and during the first twenty days of the following calendar year.

(2) The permit fee for any dangerous dog or other dangerous animal is thirty dollars (\$30.00) if purchased prior to July 1st of any calendar year. If the permit is purchased on or after July 1st of any calendar year, the permit fee is fifteen dollars (\$15.00).

(c) No owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in section 505.01(b), shall fail to publicly display a sign on the premises where the dangerous dog or other dangerous animal is kept or harbored that notifies the public of the presence of a dangerous dog or other dangerous animal on the property of the owner, keeper or harbinger. The owner, keeper or harbinger of the dog shall provide such sign which shall contain, in lettering that is at least two inches in height, the statement "caution, beware of dangerous dog or other dangerous animal" or other statement that provides reasonable notice of the presence of a dangerous dog or other dangerous animal on the premises.

(d) No person shall own, keep, or harbor any dangerous dog or other dangerous animal, as defined in section 505.01(b) without registering and obtaining a permit as required in divisions (a) and (b) of this section for such dangerous dog or other dangerous animal.

(e) Any owner, keeper or harbinger of any dangerous dog, as defined in division 505.01(b), shall provide satisfactory evidence of the fact that the dangerous dog has been neutered or spayed.

(f) Any owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in section 505.01(b), shall provide satisfactory evidence of the fact that the dog has been permanently identified by means of a microchip and the dog's microchip number.

(g) Whoever violates division (c), (d), **(e) or (f)** of this section is guilty of a misdemeanor of the third degree and the animal control officer shall seize and impound the dangerous dog or other dangerous animal in the municipality that is not properly confined or restrained, pursuant to Ohio R.C. 955.22(A) to (D), until such time as the owner, keeper or harbinger of the dangerous dog or other dangerous animal demonstrates compliance with Ohio R.C. 955.22(A) to (D). If the owner does not comply with the provisions of Ohio R.C. 955.22(A) to (D) within three (3) days of such seizure, then the dangerous dog or other dangerous animal shall be humanely destroyed.

~~(f) No owner, keeper, or harbinger of a dangerous dog or other dangerous animal, as defined in division [505.01](#) (b), shall refuse to permit the routine inspection of such dangerous dog or other dangerous animal on the premises of the same by the animal control officer, police officer, or other person authorized by the mayor or police chief, county board of health or an employee or agent thereof, to insure compliance with the divisions contained herein or any provision of the Ohio revised code, nor conceal such dangerous dog or other dangerous animal from the animal control officer, police officer or other person authorized by the mayor or police chief, or county board of health, or an employee or agent thereof, attempting to accomplish such inspection.~~

(h) No owner, keeper or harbinger of a dangerous dog or other dangerous animal, as defined in division 505.01(b) shall fail to report to the city animal control officer or a police officer the theft or loss of a dangerous dog or other dangerous animal within five hours of the discovery of the theft or loss.

(i) ~~(h)~~ Whoever violates divisions ~~(f) or~~ (h) is guilty of a misdemeanor of the fourth degree.

~~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.~~

 505.99 PENALTY.

(EDITOR'S NOTE: See Section [501.99](#) for penalties applicable to any misdemeanor classification.)

Police Department**David Plesich****7240 E. Main Street****Reynoldsburg OHIO 43068****614-322-6947 Phone****ORDINANCE REQUEST****DATE: June 10, 2019****TO: Public Safety, Law and Courts Committee****RE: Ordinance Authorizing City Auditor to Remove Equipment from the City's Fixed Asset List.**

Approval:

Completed Brad McCloud	Jed Hood	Completed Stephen Cicak
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Statement of Necessity: Equipment no longer meets the needs of the city.

Permission to remove the following items from the police departments fixed asset list:

site.	FA2697	Police Vehicle 252	Will go on the auction
site.	FA1921	Police Vehicle 259	Will go on the auction
	FA1545	Video Surveillance System	No longer operational.
	FA1833	LCD Projector w/case	No longer operational.
	FA1821	Ultrasonic weapon cleaner	No longer operational.
	FA1637	LCD Projector	No longer operational.
	FA1074	Ballistic Protection	Expired.
	FA2016	Sofa	Contaminated.
1FTRW14W67FB17289	FA2796	2007 F150 Truck	Vin#

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

operational. Vehicle is no longer

Remove the following fixed assets from the Computer Systems Department:

Computel PC	Red tag: 01609
Dell Precision T3500	SN: 9T481R1
American Dynamics server	SN: 104301701249
TCR Systems PC	This PC did not have a red tag, Sn, or any name to identify it
Dell Dimension 2400	SN: 38F1Q51
Toshiba PC	SN: 30133075A

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

DATE: June 10, 2019**TO: Public Safety, Law and Courts Committee****RE: ORDINANCE APPROPRIATING FUNDS FROM APPROPRIATED
GENERAL FUND TO ACCOUNT 110.111.5207 (Law Enforcement
Account) FOR DONATED MONIES RECEIVED.**

Approval:

Completed Brad McCloud	Completed Jed Hood	Completed Stephen Cicak
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Requesting to have \$100.00 appropriated to the Law Enforcement account for money that was donated to the K9 Unit.



**City of Reynoldsburg
Department of Public Safety
Division of Police**

City of Reynoldsburg
7232 E. Main Street
REYNOLDSBURG, OH 43068

Date: 04/09/2019
Receipt: 2019-00014631
Received From: cash

INTER-OFFICE COMMUN

POL 014	100.00
cash donation	
Receipt Total	100.00
Total Cash	100.00
Total Remitted	100.00
Total Received	100.00

Date: April 5, 2019

To: Joni Crawford

From: Chief David Plesich

Subject: K-9 Donation

Handwritten signature: M. M. 178

Please credit the general fund in the amount of \$100.00 (cash) for the K-9 unit. We will process a legislative request to have the money appropriated to the 110.111.5207, Law Enforcement account. Thanks.

Attachment: ID2420 K9 Receipt (Appropriation of Donated Funds)