

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
January 22, 2018

Chairman Marshall Spalding called the meeting to order at 7:35 PM

PRESENT: Spalding, Baker, Bryant, Skinner, Joseph

ABSENT:

Approval of Agenda

Addition of item 4b ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Section 505.01 DEFINITIONS of Chapter 505 ANIMALS AND FOWL.

Motion to amend by Councilman Spalding, Second by Mr. Baker
Agenda amended by unanimous affirmative voice vote.

Approval of Minutes

- a. Public Safety, Law and Courts Committee – Committee Meeting – January 8, 2018

RESULT: ACCEPTED

NEW LEGISLATION/DISCUSSION ITEMS

LIQUOR PERMIT REQUEST #22348152830 DOLGEN MIDWEST LLC DBA DOLLAR GENERAL STORE 18705

Chief Early: This was an application by Dollar General, which is a nationwide company for a C-1 Permit, which would be so that you can go in there just like you would Kroger's and purchase either beer or wine to take off the site and consume. There was nothing that we found objectionable in the background that we would not recommend you to approve this.

Mr. Baker: What kind of liquor will they be selling? The hard stuff or the?

Chief Early: It's usually just beer and wine sir.

Mr. Spalding: This will require no action then.

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: AMENDING SECTION 505.01 DEFINITIONS OF CHAPTER 505 ANIMALS AND FOWL. --- Spalding. Public Safety, Law and Courts Committee.

Mr. Spalding: This is the amended thing that has been added and it is a discussion to amend Section 505.01 Definitions of Chapter 505 Animals and Fowl. To repeal Section 505.1M-5. This deals with the vicious animal act. What it deals with mainly is breed specific language. Many other cities around the area, Reynoldsburg is one of the last few cities in the area now that still has breed specific language in their vicious dog act. I will read what we have in there currently and what it is that I'm

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proposing that we remove. Vicious animals belongs to a breed that is commonly known as Pit-Bull dog. The ownership, keeping, or harboring of such a dog, commonly known as a Pit-Bull dog, shall be *inaudible evidence that ownership, keeping, or harboring of a vicious dog or other vicious animal. So, this is the only place in there that specifically lines out that particular breed of dog. The whole rest of it deals with vicious dogs, deals with vicious animals, deals with vicious situations. That's the only place that it says that particular breed specific language. That is in fact what we're going to open up for discussion this evening. New Albany just finished theirs. Bexley's done theirs. So, Reynoldsburg really is about the last one. We're also having difficulty about having it to be enforced. We had it overturned in court in Licking County and we'll ask Jed as we do this discussion to share a little bit more information, as well as the Chief, as to where we stand and what we have done with this particular bill since it's been passed. We do have a yellow slip from Mr. Sowell. Could you come up and discuss this item sir?

Mr. Sowell: My name is Bruce Sowell, 2100 Brice Road. I was on the Ad Hoc Committee 4-years ago. For the last time for the city *inaudible as long as it's been enforced. I know you've gotten some articles from me about the Pit- Bull. Last year there were 40 deaths in the United States. Over half were caused by the Pit-Bull breed. A lot of them were done by neighborhood family pets or unknown pets. These dogs can get to, they come anywhere 110 and 120 pounds. Now, the basic thing you'll hear is that somebody will tell you, well, it's the owner. It's not the owner. Just recently had a death of a 3-year old, which was a week and a half ago. They just had the thing in the house for two days. I have nieces and nephews. I have to be concerned about them. If you're going to make this change or you're going to do this stuff and what you need to do is let the public decide. It's like I've always said, I can go whatever the public decides, but we can make the changes. Also, we can do is we can make some requirements in here. Reynoldsburg is not the only city that's left. There's consequently 50 other communities in the State of Ohio who also have this ban as well. If you need any information I can get it for you. Go to dogbite.org. Find anything you need to find out. I'm very concerned about the deaths mainly for 7-year olds and elderly and senior citizens. It's not always the owner. It's the dog. People have had these dogs for 5 to 6 years and all of the sudden they turn. What we should do, if you're going to own those dogs here you carry liability insurance, at least 2 million. It must be *inaudible when in public and on a leash. They should also be spade and neutered. The final thing that we need to do is hire an animal control officer. Now, when you get this insurance waiver, it should be made payable to the city, so that way we know that the victims can be compensated for. You look at any victim of a dog bite or dog bites dealing with Pit-Bulls, these injuries are serious and deadly. Please do not bring that back to the city. I'm asking you and now, like I said, this should be decided by not just 7 people, but 34,000 residents. 17,000 of them voters, I believe. Give me the opportunity, along with my fellow voters to decide this issue. Thank you.

Mr. Luzader: Most of you folks know me. I've got dogs. I've brought my dogs to the Council meetings for years. I have never met a dog that I cannot get along with. One of the things that I do agree with Mr. Sowell on, I personally don't have a problem with any kind of dog, but that's me personally. As an elected official, if my constituents tell me this is what they want, I have to listen to my constituents. I know we've talked to Mr. Hood about this a couple of different times. I think we ought to instead of just coming in and striking this, I think ought to give Mr. Hood a chance to

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maybe go through the entire ordinance, see if there's anything we need to do to strengthen it before we just go in and strike line items out of the ordinance. I would like to give Mr. Hood a chance to take a look at this and see what he could come up with.

Mr. Spalding: While I agree and we certainly would like to hear from you, the portion that we have the motion on, that we're discussing right now at this point though is the specific breed. Not strengthening or weakening the rest of the bill. The rest of the violent animal and violent dog thing is still very strongly intact and I think it was well written. If you think that we need to go back and re-write that, whether there's some weakness in that, that's great. That's a different issue than simply taking out breed specific information on one animal that we've singled out as specifically it is a vicious dog no matter what because that's really what it says. I'm not sure that that's true anymore and we're not enforcing. Mr. Hood could we get an idea of what has transpired here.

Mr. Hood: Do you have a specific question? What transpired around us? I'm not sure what you mean.

Mr. Spalding: For instance, what happened with the one instance that we did have in Licking County that did go to court. How did that go?

Mr. Hood: The 5th District over ruled the trial court's decision in our favor. So, we are no longer enforcing this in Licking County and the 5th District portion. The 10th District does advise you, before, has not made a decision. The line share in the city is in the 10th District. A smaller portions in the 5th, but for the sake of uniformity we have suspended enforcement of the breed specific law and has since the *inaudible.

Mr. Spalding: So, we are enforcing it here in Franklin County then?

Mr. Hood: Well, no. We're not enforcing it. We suspended it.

Mr. Spalding: We're not enforcing it in Licking County. We're not enforcing it in Franklin County. We're not enforcing it in Fairfield County. So, we're not enforcing it at all.

Mr. Hood: Specifically, yes.

Mr. Spalding: Right, ok, and I guess that point I'm trying to make is if we have a lot we're not enforcing, then why is it there? Maybe it should be.

Mr. Hood: You all decide. That's the legislative process Chairman Spalding. I think that's why it's appropriate for debate and ultimately vote and that's why you guys get to decide. Are there any other questions?

Mr. Spalding: Not for you.

Ms. Bryant: As I recall, there was another case in Licking County where a family *inaudible

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(microphone not turned on).

Mr. Hood: I'm not aware of that case. No, I don't think it was a Reynoldsburg case. There was just one case and it went to the 5th and we were overturned.

Ms. Bryant: Have you had any incidences where someone has *inaudible (microphone not turned on)

Mr. Hood: We have dismissed cases.

Ms. Bryant: *inaudible

Mr. Hood: No, I'm happy to prepare a memo pointing out the distinguishing or the differences between the revised code and the ordinance. The ordinances predate the revised code, the changes that were made a few years ago. I have advised Council, prior to you coming on in executive session, where I believe it is in firm, setting aside for the moment the notion of breed specific or non-specific legislation components. The definition of a vicious nuisance and dangerous dog, I believe, are in firm to protect our public. That's one of the reasons, after this decision came out, I advised Council to take up this decision again and look for a better ordinance that we could use.

Ms. Bryant: *inaudible

Mr. Hood: Yes, the tricky part is where we conflict with the state law. The decision was we can't conflict with the state law. The state doesn't require. I'm not sure how we could. Same thing with collars and chipping and all that kind of stuff. I can go back through the state law and kind of give you the bullet points, if you'd like that. Prepare a memo and get that to you by the end of the week.

Ms. Bryant: *inaudible.

Mr. Hood: Sure.

Mr. Spalding: Chief, we don't have to have specific numbers, but can you give us a rough idea over the past 3-years of how many citations we really have issued for this?

Chief Early: Generally, the police department's involvement in these matters is when somebody is actually bitten. We will take a police report and the reason for that is so we can ensure that the person that's been bitten gets verification to the owner of the dog that it had its shots and all that. I can assure you having been through this back and forth, us as officers we are certainly not subject experts on a Pit-Bull vs not a Pit-Bull. We don't tend to get a lot of dog bite reports if that's what you're asking me and to my knowledge, since what happened in Licking County, I don't think we've actually cited anybody under that ordinance since then.

Mr. Spalding: Because you would do the same procedure if it was a Chihuahua or for a Great Dane. A dog bite is a dog bite. So, really, it has nothing to do with Pit-Bull or not Pit-Bull. It has to do

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with a dog that bit someone, which is part of what we have in our bill. There is a process which makes nothing but good sense.

Mr. Baker: The City of Columbus got rid of their Pit-Bull ban a few years ago because they come to the conclusion that it wasn't being enforced, it was a waste of time and that they are going off of Ohio Revised Code, which specifically speaks to vicious dogs and how to handle it. For us to keep this on the books is basically mute when you've got the largest city, almost the largest city in the state, basically get away with theirs. I don't see why we should just keep them on because a vicious dog is a vicious dog no matter what kind of breed it is or how it was raised or anything about that, so I think switching it to just vicious dogs, in general, basically not single out a specific breed because there are some dogs out there that, you know, by nature they're just rough, but then there's other dogs that are not. Just to basically single out one individual breed, I don't think that's right.

Ms. Bryant: *inaudible

Mr. Hood: The amount of time?

Ms. Bryant: *inaudible

Mr. Hood: I can get that to you.

Mr. Clemens: I voted for this. I listened to it for 6-months, if you want to know what time it was. I have no intention on changing it. Licking County and Newark and Columbus can do whatever the hell they want. I don't really care. I mean, even *inaudible not to do it. I'm here to keep the city safe. Ward 1 and Ward 4 need to be controlled and especially Ward 4. So far nobody's said any reason why this should be changed. If you're interested in it you should have been here when we did it for 6 or 8 months. I see no reason to change it. We're not enforcing it and everybody seems to be happy. I have no intention of changing my vote. I don't care if you sit here for 2-months, so do whatever you want, but I can't see any reason to make a change on something that's been adopted and has been no problem with and again I say, just because Columbus did it that is not showing you anything good or anybody else. We've got to worry about what happens in Reynoldsburg, the safety of the people here, safety of the kids, and that's all I'm interested in. I'm not interested in everybody else around the nation. I'm interested right here about Reynoldsburg and the people that are here and that's the way it's going to be.

Mr. Sowell: The City of Columbus, the police respond to a lot of those dog complaints. April, I know has a list of *inaudible plus the fact I have *inaudible work there and they can tell you it's no picnic out there where all these Pit-Bulls running loose. A lot of these Pit-Bulls are owned by drug dealers and all this kind of stuff. Two Toledo Officers were seriously injured just last week. One guy is going to have to have major surgery on his leg. We don't need that. We don't have that problem now. What we're doing is by making this change because they say that breed specific language and that's a *inaudible that technically goes out. You're right, any dog can be vicious. Yes, all dogs bite, but I've never seen a Chihuahua kill anybody. This 3-year old death was preventable. That's all I'm saying. It's something that shouldn't have never happened. That dog was

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in a house two days. I don't want that to happen to my nieces and nephews. That's my concern.

Mr. Baker: Going back to Mel, I agree with you. We need to focus on what's best for Reynoldsburg, but we can't sit up here and say everybody's happy because apparently there are a lot of people that aren't happy and there are some people that are happy. You're correct about that; however, just categorizing Ward 4 and Ward 1 and saying it needs to be controlled, I think that's not a good language to use because it's trying to say that it's more of mob rule in those areas among Pit-Bulls, which isn't true. What I'm saying is, the fact that we're singling out a specific breed because some incidents. Any dog can be vicious. It's just that what's been going on over the years about the breeds of Pit-Bulls have been given them a bad name, which I don't think it's right because not all of them are bad. That's just like saying shoplifters is a bad person and should be sent to the electric chair. That's not true. They just made a bad error. I'm just saying that I don't think it's right for us to specifically call out a specific breed just because of that. I just don't think that's right.

Mr. Clemens: I did make a mistake. I meant to say all of Reynoldsburg. I don't care about Ward 1 anymore than I do the rest of it. Everybody.

Mr. Joseph: I sat here for the same discussion when we hashed through this some years back and the Ad Hoc Committee spent a lot of time reviewing it. They made recommendations of which we accepted none of them including clamping down on vicious dogs. What's different between a Pit-Bull and a German Shepherd or a Rottweiler. I remember back in the 80's the Doberman Pincher was the dog everybody was scared of. Then it was the Rottweiler. The biggest change between then and now is that we've had the 5th District Court rule that it's un-enforceable and we have not enforced anywhere in the city. That's the biggest difference between then and now. We have not had any outbreaks of bites and things like that. While we're waiting for Mr. Hood's report, I would recommend that we move this on for the first reading. It gives everyone more time to think about questions for the next meeting and study the report from Mr. Hood prior to the next committee meeting and then pick it up again there. Thank you.

Unknown: *inaudible (away from microphone)

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 1/22/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Kristin Bryant, At-Large Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	

LEGISLATION FOR SECOND READING

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

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RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 1/22/2018 7:34 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Stacie Baker, At-Large Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	