



Ordinance No. 4 20 18

ORDINANCE AMENDING SECTION 505.071 OF THE CODIFIED ORDINANCES OF THE CITY OF NORWOOD, OHIO, ENTITLED "CRUELTY TO COMPANION ANIMALS".

WHEREAS, the Section 505.071 of the Codified Ordinances of the City of Norwood, Ohio, regulates and forbids cruelty to companion animals, including dogs; and

WHEREAS, Council finds that the practice commonly known as "dog tethering," whereby unduly restricting the movement of dogs in one confined areas on excessively short tethers for extended periods of time in all weather and without shelter, can constitute cruelty to animals and should be restricted; and

WHEREAS, improper tethering can lead to injury of the animals and cause emotional and psychological damage to the animals, which in turn can lead them to become more aggressive and increase the likelihood of injury to humans and other animals; and

WHEREAS, Council believes that regulations should be placed on the practice of dog tethering regarding the hours, weather conditions, and freedom of movement in order to prevent cruelty to animals; now therefore,

BE IT ORDAINED by the Council of the City of Norwood, State of Ohio, that:

SECTION 1. Section 505.071 of the Codified Ordinances of the City of Norwood, entitled "Nuisances", is hereby amended to add subsections (a)(7) and (d), such that the section reads as follows:

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

(1) "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.

(2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.

(3) "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.

(4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.

(5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 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.

(7) "Tether" means a rope, chain, cord, or similar restraint attached from a fixed point to a dog's collar or elsewhere on a dog, for the purpose of holding the dog in place, which in effect creates a fixed area in which the dog can move about, the radius of which is the length of the tether.

(b) 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.

(c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:

(1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;

(2) 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 in any of those specified manners.

(d) No person who confines or who is the custodian or caretaker of a companion animal:

(1) Shall allow a dog in his or her custody or control to be tethered outdoors:

(A) For more than eight hours in a twenty-four hour period;

(B) Between the hours of 10 p.m. and 6 a.m.;

(C) When no owner, custodian or keeper of the dog is present on the premises, if absent for a period of more than two hours;

(D) In any area where there is an accumulation of feces or other waste, insect infestation, rodent infestation, foul odor, or another unsanitary or dangerous condition within the radius of the tether;

(E) when the heat index, as defined by the National Weather Service, is over 89 degrees Fahrenheit; or

(F) when the wind chill, as defined by the National Weather Service, is under 20 degrees Fahrenheit.

(2) Shall use any of the following types of tethers for a companion dog:

(A) A tether of less than ten feet in length, or less than four times the length of the dog's body from tip of nose to base of tail, whichever is greater;

(B) A tether the length of which allows the dog to cross the property line of the property on which it is tethered;

(C) A tether that causes injury or pain to the dog because of the material of which it is made or because of the size or weight of the tether; generally, a tether should not weigh more than one-eighth (1/8) of a dog's body weight.

(3) Shall tether a dog:

(A) By attaching the tether to the dog by means of a choke chain collar, pinch collar, or prong collar, as the collars are defined by the Humane Society of the United States;

(B) By attaching the tether to a collar that is not properly fitted;

(C) In an area likely to cause injury or pain to the dog because of entanglement; or

(D) In an area likely to cause injury or pain to the dog because of surrounding structures.

(e) Subsections (b), (c) and (d) of this section do not apply to any of the following:

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;

(2) 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;

(3) 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;

(4) 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;

(5) 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.

(f) (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.

(2) Whoever violates subsection (c) hereof 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 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 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 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.

PASSED

February 27, 2018
Date

Donna M. Laake

Donna M. Laake
President of Council

ATTEST:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was passed at a regular/special meeting of Norwood City Council on the 27th day of February, 2018 in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 1 day of March, 2018.

Joseph S. Geers
Clerk of Council

APPROVED:

3/1/18
Date

Thomas F. Williams

Thomas F. Williams
Mayor

CERTIFICATION OF PUBLICATION:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this Ordinance was published in the Enquirer on 3/6/18 and 3/13/18.
(Name of Newspaper) (date) (date)

Joe Hill as Jo Geers
Joseph S. Geers
Clerk of Council

ORDINANCE READINGS

1st Reading 1/23/18
Date

2nd Reading 2/13/18
Date

3rd Reading 2/27/18
Date

All 3 Readings _____
Date

Tabled _____
Date

Vetoed _____
Date