

TEMPORARY ORDINANCE NO. 19-15

PERMANENT ORDINANCE NO. 13-15

AN ORDINANCE TO AMEND LANCASTER CODIFIED ORDINANCE TITLE FIVE – ANIMALS AND FOWL, CHAPTER 505.071 CRUELTY TO COMPANION ANIMALS OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, TO REPEAL EXISTING TITLE FIVE – ANIMAL AND FOWL, CHAPTER 505, SECTION 505.071 CRUELTY TO COMPANION ANIMALS, AND TO DECLARE AN EMERGENCY

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That Chapter 505, Section 505.071, be amended pursuant to Exhibit A, attached hereto.

**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) “Dog kennel” means an animal rescue for dogs that is registered under Ohio R.C. 956.06, a boarding kennel or a training kennel.
- (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) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
  - (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

- (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
- (4) Needlessly kill the companion animal;
- ~~(5) 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.~~
- (5) *Deprive the companion animal of continuous access to clean, potable drinking water either free flowing or in a receptacle; if a receptacle is used, it shall be weighted on the bottom, mounted, or secured in a manner to prevent tipping. Snow or ice is not an acceptable water source.*
- (6) *Fail to provide the companion animal food, at suitable intervals, and at least once every twenty-four hours, that is appropriate for the animal's condition and age and sufficient to maintain an adequate level of nutrition for the animal.*
- (7) *Tether or restrain the companion animal in a manner that causes injury or entanglement or allows the animal to cross the property line.*
- (8) *Fail to provide the companion animal with clean, dry, structurally sound shelter from the elements throughout the year. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size and type of animal. The structure shall be completely enclosed and insulated with one entrance. The structure must be made of durable material with a solid, moisture proof floor that is raised at least two (2) inches from the ground. Any shelter that does not protect the animal from temperature extremes or precipitation or provide adequate ventilation or drainage does not comply with this section.*
- (d) 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:
  - (1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
  - (2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable relief, against the companion animal;
  - (3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;
  - (4) Needlessly kill the companion animal;
  - ~~(5) 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.~~

- (5) *Deprive the companion animal of continuous access to clean, potable drinking water either free flowing or in a receptacle; if a receptacle is used, it shall be weighted on the bottom, mounted, or secured in a manner to prevent tipping. Snow or ice is not an acceptable water source.*
- (6) *Fail to provide the companion animal food, at suitable intervals, and at least once every twenty-four hours, that is appropriate for the animal's condition and age and sufficient to maintain an adequate level of nutrition for the animal.*
- (7) *Tether or restrain the companion animal in a manner that causes injury or entanglement or allows the animal to cross the property line.*
- (8) *Fail to provide the companion animal with clean, dry, structurally sound shelter from the elements throughout the year. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size and type of animal. The structure shall be completely enclosed and insulated with one entrance. The structure must be made of durable material with a solid, moisture proof floor that is raised at least two (2) inches from the ground. Any shelter that does not protect the animal from temperature extremes or precipitation or provide adequate ventilation or drainage does not comply with this section.*
- (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) (ORC 959.131) 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) Whoever violates subsection (d) hereof is guilty of a misdemeanor of the first degree.
- (4) 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.
- (5) 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. ~~(ORC 959.99)~~

SECTION 2. That existing Chapter 505, Section 505.071, is repealed in its entirety.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, wherefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: 10/12/15 after 3rd reading. Vote: Yeas 8 Nays 1

Approved: 10/12/15

Clerk: Teresa Lee Sandy

Tom Stok  
President of Council

Offered by: Mary R. Tener

W. M. Benth  
Mayor

Second by: Kline M. Benth

Requested by Code Enforcement & Zoning Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on \_\_\_\_\_, 2015 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

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Clerk of Council