

ORDINANCE NO. 17-61

AN ORDINANCE AMENDING THE NEGLECT OF
COMPANION ANIMALS SECTION OF THE ANIMAL AND
FOWLS CHAPTER OF THE GENERAL OFFENSES
CODE.

WHEREAS, the City of Delaware has promoted numerous animal-related ordinances, designed to encourage responsible companion animal ownership and support the humane treatment of animals;

WHEREAS, the State of Ohio currently has no regulations on the tethering of companion animals; and,

WHEREAS, companion animals that are tethered can be subjected to serious physical harm from weather, other animals, or the tethers themselves; and,

WHEREAS, companion animals that are tethered can become lonely, bored, and anxious, which can lead to heightened aggression toward adults, children, and other animals.

NOW, THEREFORE, Be It Ordained by the Council of the City of Delaware, State of Ohio:

SECTION 1. The Neglect of Companion Animals Section is replaced in its entirety as follows:

505.25 - Neglect of companion animals.

(a) **Definitions**

For purposes of this section,

(1) "neglect" shall mean any act or omission which fails to provide appropriate care for, or attention to, any companion animal; or which has caused or may cause injury or unnecessary suffering to any companion animal.

(2) "Tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place that allows a radius in which the animal can move about.

(3) "Serious physical harm" shall have the same meaning as O.R.C. 951.31.

(4) A companion animal shall be considered an 'unattended companion animal' when no owner or harborer is present and awake on the premises the companion animal is present.

(b)

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

(1)

Fail to provide food and drink which is clean, of sufficient quantity and appropriately available to the animal when unattended.

(2)

Fail to provide shelter from the elements including heat, cold, wind, rain, snow, or excessive direct sunlight. If the companion 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 that animal. The structure must be enclosed and insulated, having a single entrance/exit. The structure shall be moisture-resistant, wind-resistant, and of suitable size and type to allow the companion animal to stand, turn about freely, and lie in a normal position. The structure shall be made of a durable material with a solid, moisture-proof floor raised at least two (2) inches from the ground. Suitable drainage shall be provided so the animal has access to a dry area at all times. The shelter, cage, or pen shall be regularly cleaned and sanitized and free of insect or rodent infestation.

(3)

Fail to obtain reasonably necessary veterinary care for the companion animal, including but not limited to immunizations against parvovirus, leukemia, and rabies.

(4)

Leave an unattended companion animal restrained by a tether outdoors for an excess of 15 continuous minutes between the hours of 10:00PM and 6:00AM.

(c)

Tethers of companion animals must be of a sufficient length to allow reasonable freedom of movement, without allowing the animal to leave the harborer's property and the area of restraint must be free of entangling objects. Tethers must be of suitable size and secured to the

animal in such a manner that the animal will not be injured or choked. Strict liability is intended for enforcement of this section.

(d)

Violation of this section is a minor misdemeanor punishable by a fine of up to one hundred fifty dollars (\$150.00) on a first offense and a second degree misdemeanor for a second offense within one year. However, if a companion animal experiences serious physical harm as a result of a violation of this section, violation that section is a misdemeanor of the first degree.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON AMENDMENT:

YEAS 5 NAYS 2
ABSTAIN 0

PASSED: October 23, 2017

YEAS 6 NAYS 1
ABSTAIN 0

ATTEST: Elaine McCoskey
CITY CLERK

Candy Kay Rigg
MAYOR