

ORDINANCE NO. 6-19

By: Troy Markham

An Ordinance to amend 618.05 (Cruelty to Animals Generally), to define the term “shelter” in regards to animals.

Whereas, the confinement of dogs and other animals outdoors without proper shelter has been shown to be a form of abuse; and

Whereas, The City of Bexley strives to provide protection to companion animals from all forms of abuse and create an environment where companion animals are raised humanely; and

Whereas, This proposed ordinance has been created to address the issue of the sheltering of companion animals in order to provide reasonable and common sense protections for animals within the City of Bexley;

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

Section 1: That Section 618.05 (a) be amended to read as follows:

618.05 CRUELTY TO ANIMALS GENERALLY.

(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 such confinement with a sufficient quantity of good wholesome food and water;
- (2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" **as it applies to dogs kept outdoors and unattended is defined as follows:**

A. The shelter must be a constructed structure that must be completely enclosed and insulated, having a single entrance/exit secured with a flap or door or similar device. The structure shall be moisture-resistant, wind-resistant, and of suitable size and type to allow the animal to stand, turn about freely, lie in a normal position, and regulate proper body temperature. The structure shall not be constructed of metal or any material that readily conducts heat or cold, and shall be made of a durable material with a solid, moisture-proof floor that is raised at least two (2) inches from the ground.

B. Suitable drainage shall be provided so that water cannot be reasonably expected to gather and stand within ten (10) feet of the structure, and so the animal has access to a dry area at all times. Proper bedding of straw or similar material, that remains dry, must be utilized inside the structure. All structures required by this section shall be subject to all building and zoning regulations.

C. Between November 1 and April 30, the structure must be provided with a sufficient quantity of suitable, clean bedding material consisting of straw, cedar shavings, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat. Hay, blankets, rags and any other material(s) that retain moisture and freeze when wet shall not be utilized for bedding. Between May 1 and October 31, all dogs must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time and provide protection from the direct rays of the sun.

D. "Unattended" for purposes of this chapter, shall mean any dog who is exposed to the elements for a duration of longer than 30 minutes and not in visual range and physical presence of the owner.

- (3) Carry or convey an animal in a cruel or inhuman manner;
- (4) Keep animals, other than cattle, poultry or fowl, swine, sheep or goats, in an enclosure without wholesome exercise and change of air, or feed cows on food that produces impure or unwholesome milk. (ORC 959.13)
- (5) No person shall allow an animal to be tethered outdoors:
 - A. Unattended between the hours of 10:00 p.m. and 7:00 a.m.
 - B. if a heat or cold advisory or a severe weather warning has been issued by a local or state authority or the national weather service for the area in which the animal is kept or harbored;
 - C. with a pinch, prong, or choke-type collar;
 - D. with a tow chain, log chain, padlock chain, or any type of tether unsuitable for the animal's size and weight;
 - E. with a tether that is entangled or does not allow free movement of the animal for the full length of the tether;
 - F. in a manner that will allow it to reach within the property of another person, a public walkway, or a road;
 - G. in a manner that could allow it to become entangled with a fence or other tethered animals;
 - H. for a period of time exceeding 60 minutes; or
 - I. with the use of a muzzle.

(6) No animal shall be confined outside for any period of time if a heat or cold advisory or a severe weather warning has been issued by a local or state authority or the national weather service

Section 2. That this Ordinance shall go into effect, and be in force from and after the earliest period allowed by law.

Passed: _____, 2019

Lori Ann Feibel, President of Council

Attest: _____
William Harvey, Clerk of Council

Approved: _____, 2019

Benjamin J. Kessler, Mayor

First Reading: